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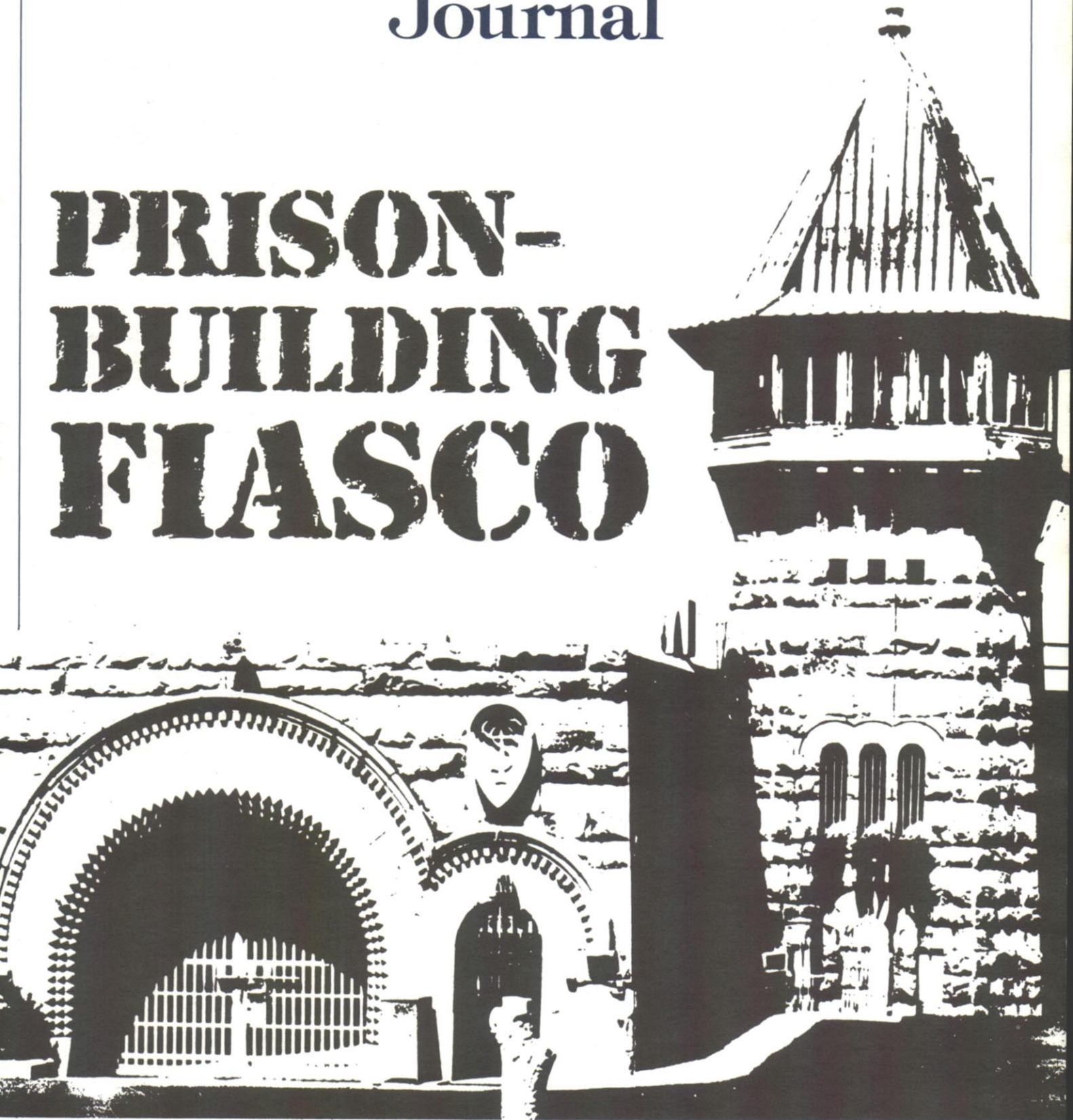

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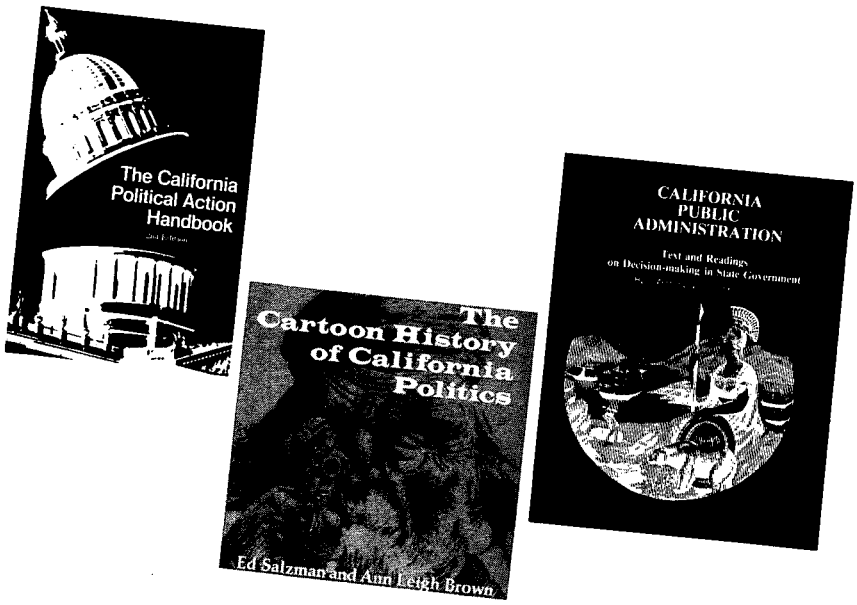
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CALIFORNIA Journal

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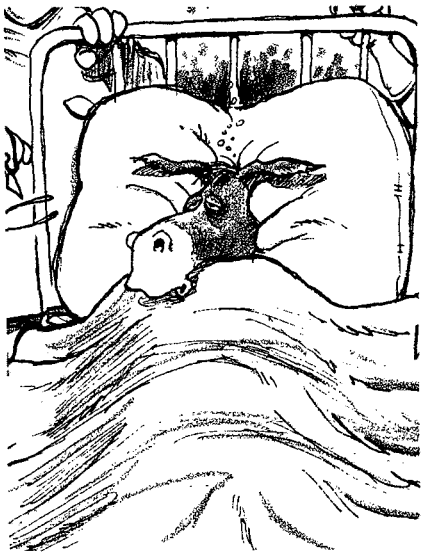

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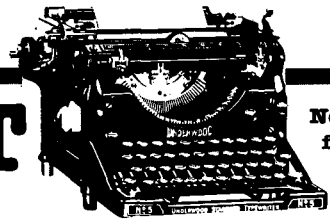
UP FRONT



Notes and Items from Contributors and the Journal Staff.

Bishop Desmond Tutu, winner of the 1984 Nobel Peace Prize, spoke to a joint session of the California Legislature a few weeks ago, an event that seemed to make conservative Republicans uncomfortable. Tutu, who symbolizes the struggle of black South Africans against apartheid, is an eloquent man whose message to lawmakers was simple: I am a 53-year-old, well-educated, native-born South African who cannot vote in my homeland, and I need your help. Tutu thus raised a moral issue that has no middle ground, no room for maneuver — yet Republicans didn't quite know how to react. Many did not stand when he entered the Assembly chamber; they did not applaud when he was introduced. After his speech, several remained seated among colleagues who stood to thunder their approval. Those who did stand gazed around the chamber, hands clasped behind their backs as though to prevent them from clapping. Perhaps they had trouble with Tutu because one of the most ardent champions of his cause is also one of the Legislature's most partisan and strident Democrats — Assemblywoman Maxine Waters. Perhaps they had trouble, too, because the state is being asked to fight apartheid by removing its varied and multi-billion dollar investments from corporations that do business with South Africa — a clear challenge to the notion of laissez-faire and free enterprise. Perhaps there were other reasons. But whatever they were, Desmond Tutu's presence seemed to confront conservative Republicans with an uncomfortable dilemma.

A. G. Block

Senate dean Walter W. Stiern of Bakersfield, 71, is considering retirement for the first time in his legislative career and therefore may not run for an eighth term in 1986. Senate President Pro Tempore David Roberti already is looking for possible Democratic successors and has been impressed with one in particular — 38-year-old Tom Fallgatter, a Bakersfield attorney and real estate broker. But such is the gloomy state of Democratic affairs in Kern County that the leading young Democrat would have a rough time getting his own family to vote for him. Fallgatter's father and a brother are members of the Kern County Republican Central Committee and his sister-in-law is GOP chairwoman.

(Bruce Scheidt, Sacramento)

When faced with different "official" Republican positions on reapportionment in Indiana and California, GOP National Chairman Frank Fahrenkopf has sided with the Golden Staters. He told reporters in Los Angeles he hopes Democrats win, and Republicans lose, in their court battle over GOP-dominated redistricting in Indiana. The Democrats are crying "foul" and contending the Republicans used their statehouse control to draw lines that give them an unfair advantage. It's just the opposite here in California, where the GOP is crying "foul" and trying to overturn the Democrat-drawn lines. Fahrenkopf says he wants the U.S. Supreme Court to mandate "fairness" standards. But he is not getting involved in Governor George Deukmejian's plan to take the redistricting power away from the partisans in the Legislature and hand it to a commission. The national GOP chief isn't ready to go that far, he says; he just wants the lawmakers to follow clearly-stated standards of fairness.

(Richard Bergholz, Los Angeles)

Earl "Squire" Behrens, who retired as *San Francisco Chronicle* political editor in 1974, was honored so often during his more than half-century of reporting that perhaps even he lost count. For those of us who remember him at the Capitol, it is as the dean of the Capitol press corps, tough-minded but ever polite in all that he did. The Squire passed away May 13th at age 93 at the Veterans Hospital in Menlo Park. To paraphrase what he used to say when ending a gubernatorial news conference, "Thank you, Mr. Behrens."

Back in 1960, when Jerry Brown was a student at UC Berkeley and his father, the governor, was agonizing over whether convicted rapist Caryl Chessman should die in San Quentin's gas chamber, Jerry called his dad to urge that Chessman be spared. Later that evening, Pat Brown issued a 60-day reprieve and urged the Legislature to declare a moratorium on the death penalty. The governor's action was widely attacked and, according to Brown the elder, cost him whatever chance he had for the 1960 vice-presidential nomination. Today there is another governor with a son at Berkeley and they, too, have discussed an emotional issue: the campaign to withdraw UC investments in firms doing business in South Africa. What was said between Deukmejian and his 19-year-old son George? "I don't think it's appropriate for me to discuss my personal conversations with my children," the governor told a recent news conference.

We believe that the Legislature in general and Senate President Pro Tem Dave Roberti in particular deserve praise for adopting a rule to remove a device used by legislative sharpies to slip controversial bills through both houses during the hectic rush at the end of a session. The rule, which was adopted at the start of the current session, requires conference committee reports to be in print for at least 24 hours before being taken up for a vote. Previously, a piece of legislation could be radically rewritten in a conference committee and then rushed through both houses before all members knew what was going on.

Democratic Party officials ordered $22,000 worth of catered meals during the party convention in Sacramento last January and have yet to pay the bill. However, caterer Wesley Kato is philosophical. He needs the money but notes that party officials have told him they are doing their best to raise it, and besides, some Republicans have been slow payers, too.

No doubt about it, California Senator Pete Wilson stole the show May 10th when he was wheeled into the U.S. Senate chamber from a hospital bed to vote on the Senate version of President Reagan's budget. Everywhere you looked, it seemed as though there were pictures of him on a gurney. Indeed, the whole affair was a publicity plus, even directing some attention to the quips and one-liners he's been throwing about of late. For instance, when he checked into Bethesda Naval hospital May 8th for removal of a ruptured appendix, his response to one of the questions on the hospital's entry form was well reported. (When asked to describe his chief concern, he replied, "Missing votes on the

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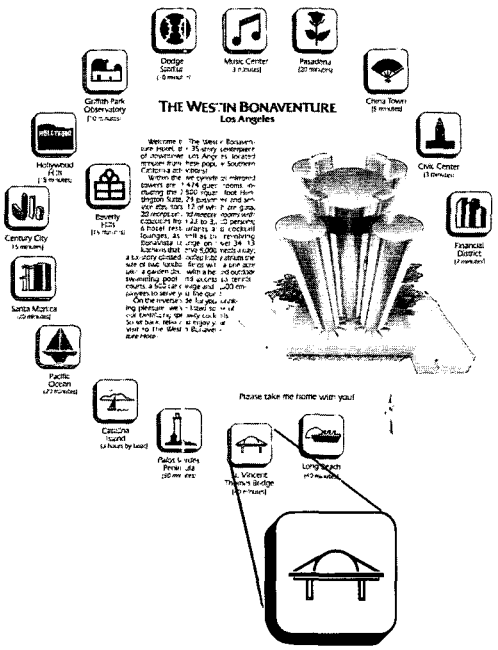
deficit.") According to a lengthy personality piece in the *LA Times* a few days later, Wilson is already gearing up for a reelection campaign in 1988 by — among other things — becoming a part-time, stand-up comic. According to reporter Nancy Skelton, he now tells the one about the Marine sergeant who faced missing his own wedding because he had been denied liberty. In response to an anguished request from the bride's mother, Wilson arranges a leave and the wedding takes place. But a few days later Wilson receives a telegram from the sergeant. "Dear Senator Wilson," it says, "Next time mind your own damn business."

The late Assemblyman Vince Thomas wanted his name on a bridge in San Pedro, and years ago — while he was still



in the Assembly — his colleagues gave it to him. Now it appears that he's been canonized, too.

(John A. Echeveste, Cerritos)

Common Cause has given one of its Public Service Achievement Awards this year to former Legislative Analyst A. Alan Post. In the May/June issue of its magazine, the public-interest lobby says the awards are given to individuals "who by force of imagination, initiative and perseverance have made an outstanding contribution to the public interest in the areas of government performance and integrity." During 27 years as legislative analyst before his retirement in 1977, Post established a reputation for fairness and honesty that made his office a model for others like it in other states and in Washington. Now 70, he is living in Sacramento, serving on various commissions and doing some teaching at the University of Southern California's Graduate School of Public Administration.

New York Governor Mario Cuomo, whose background is much like George Deukmejian's (except that Cuomo is a Democrat), says it's more likely that Deukmejian will head a national ticket in 1988 than he. Cuomo says Deukmejian has an advantage over other Republicans. "He's been a governor. He's run things. Only George Bush can say as much. Jack Kemp's a pretty smart guy but he's never run anything but a football team. He is cuter, however."

(Michele Willens, New York)

Ralph Morrell, the retired naval person who is trying to reform the Legislature, is angry now at SB69, a bill by Senator Robert Presley that would require public-school courses in ethics and civic values. Pointing to the personal pecadillos and political atrocites that have been coming to light recently involving legislators, Morrell wants to know how the Legislature can shamelessly order others to study ethics. When he put the question to Senator Ed Davis recently, Davis replied, "So that when the kids grow up, they might be more ethical as legislators."

Who are the most respected legislators at the Capitol? To find out, the *Sacramento Union* conducted an informal survey among legislators, administration officials, staff aides and reporters. Reporter Anne Richards says there are eight, and in a May 5th story identified them as Assemblymen Lloyd Connelly, Democrat of Sacramento; Robert Naylor, Republican of Menlo Park, Alister McAlister, Democrat of Fremont; Thomas Hannigan, Democrat of Fairfield; Bill Leonard, Republican of Redlands; and Senators Ed Davis, Republican of Chatsworth; Robert Presley, Democrat of Riverside; and Walter Stiern, Democrat of Bakersfield.

FPPC chairman Dan Stanford used to say that he didn't like the idea of becoming a lobbyist for campaign-reform laws. But he's become one now, pushing for his proposal to license campaign consultants so that they would be required to disclose more about their financial dealings. When asked why he had changed, Stanford replied that he has become — since taking office in 1983 — "intimately acquainted with the role of money in the political process."

Ron Cordova, an irrepressible attorney from south Orange County, started his political career as a Democrat and won a seat in the Assembly in 1976. But he lost a race for the Senate in 1978 and tried a legislative comeback last year as a Republican. However, that didn't work either. Undeterred, Cordova quips that his law practice in Newport Beach is doing so well that he may be able to buy the next election.

State Senator Bill Richardson reports that his 26-year-old son Doug, also a political conservative, has an adjoining office at Warner Brothers with Mort Sahl, the iconoclast comedian of the 1960s. They are both screenwriters, Richardson says, and they get along fine.

Senator Pete Wilson was to be tabbed "Father of the Year" for 1985 by the West Coast Father's Day Committee, a group that raises money for the Juvenile Diabetes Foundation. But a hitch developed rather quickly: Wilson is not a father. An embarassed Howard Rosenberg, chairman of the Los Angeles-based group, says someone "misinformed" him of Wilson's status.

(James R. Carroll, Washington)

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front," so rush your items to Up Front, 1714 Capitol Avenue, Sacramento 95814. Sorry, submissions cannot be returned.*

The greatest issue before the world today is law — not whether there is to be law but whether law is to be the law of freedom or the law of command.

— Earl Warren

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DIANA RAINS, PRESIDENT

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Capitol review

Many years ago, someone asked former Assemblyman John Burton, a fiery liberal from San Francisco, why he introduced so many bills that he knew would never pass. At the time, Burton was pushing a new tax on big oil companies, but it could just as well have been one of his other proposals to broaden welfare programs, liberalize pensions or otherwise share the wealth.

Burton explained that he did it for his constituents, many of whom were welfare recipients or the working poor. He didn't want them to lose hope, he said. He wanted them to know that someone up there was working in their behalf. Occasionally, one or more of his constituents would testify at the Capitol for one of Burton's bills, holding center stage while members of a legislative committee actually listened to what he or she said. When the testimony ended, the lawmakers would politely place the bill "under submission" and later (usually after all the witnesses had gone home) the bill would be quietly laid to rest. But the constituent was pleased nonetheless. He or she had become a part of the process and perhaps departed believing that someday the measure might become law.

And who can say that such hopes are totally misplaced? Strange things happen in the Legislature over time. But one thing was sure: that constituent would be voting for John Burton.

All of which is a roundabout way of explaining one reason why Republican Stan Statham in the Assembly and Democrat Gary Hart in the Senate are having such a hard time with their proposals to save taxpayers a bundle by putting limits on the number of bills that a legislator may introduce. Hart's proposal was voted down in the Senate Rules Committee last April and Statham — as of this writing — is having a tough time in the Assembly. And, of course, similar proposals have been regularly defeated in the past.

As Burton's explanation makes clear, a bill is far more than a piece of paper designed to make a change in the law. It is an expression of what a legislator cares about. But it also is a reelection tool, a campaign instrument that may never make it to a lawbook but may nevertheless make some constituent, lobbyist and/or campaign contributor happy. Indeed, even if no specific constituent or contributor is involved, a bill may have value because its mere introduction draws attention to the legislator and the issue involved. Democratic Senator Nick Petris, to promote the cause of clean air, once introduced a bill to outlaw the internal combustion engine.

Statham and Hart are not spoilsports who want to stop all this from going on. Their point is that bill introductions are getting out of hand. According to their figures, the number has increased steadily over the years, from 5556 in the 1979-80 session to 6394 in 1983-84. Yet there was no increase in the number of bills passed. This year, says Hart, the number of introductions is running 22 percent higher than last.

The problem is that bills cost money to print and process. According to Statham, the average cost is $3734. Thus, if total introductions were reduced by about 600, which is what Statham says his limits would do, taxpayers would save nearly $2 million. Specifically, Statham would limit each Assembly member to 40 bills per two-year session and Senators to 65. Hart's limits are slightly different. He would limit Assembly members to 45 bills and Senators to 60. Figuring that many lawmakers would not introduce their maximum allowable, he estimates taxpayer savings at $4 million.

On the surface at least, it looked as though Statham's proposal (ACR1) should have zipped through the Assembly. After all, the measure carries his name and those of 51 co-authors, nearly a two thirds majority in the 80-member house. But there are signs that not all his co-authors are firmly aboard. Democrat Lou Papan, chairman of the Rules Committee and a foe of any introduction limits, refused from January through mid-May to give Statham's proposal a hearing before his committee, a high-handed delaying tactic that not even the high-handed Papan could have managed without a fair amount of unspoken support.

Statham seems to realize as much and also knows that even if his proposal clears the Assembly, it probably will be defeated in Senate Rules, just as Hart's was last April. But he wants a committee hearing and floor vote nonetheless. If nothing else, that would show him which members are serious about reform.

However, that showdown may be what many in the Assembly would prefer to avoid. If a large number of members are actually opposed to what looks like a reasonable reform, the last thing they need is a recorded roll call on the issue. Who knows how some opponent may use their "no" votes in the next election?

None of this means that individual legislators can't reduce the number of bills they introduce. One such is Democratic Assemblyman Phil Isenberg of Sacramento. He has distributed a memo to lobbyists saying that he is not enthusiastic about introducing an endless number of bills but will consider requests when lobbyists are serious about a measure.

To prove seriousness, a lobbyist must fill out Isenberg's "Bill Background Form," a lengthy questionnaire that requires a lobbyist to explain — in writing — virtually everything there is to explain about the proposed legislation, including his or her reasons for wanting it introduced. It's not an easy form to complete for it requires a fair amount of research.

And it seems to have some effect. In an April 28th article describing bills being carried by Sacramento area Assembly members, the *Sacramento Union* reported that Isenberg had introduced 20 bills, the lowest number among the four area lawmakers covered in the article. The highest number belonged to Democrat Norman Waters of Plymouth. He had 55.

Robert Fairbanks

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PRISON CONSTRUCTION: A PROGRAM GONE WRONG

By ADRIANA GIANTURCO

When most people associate "construction" and "state government," what probably comes to mind is highways. Road construction is very visible and is a big-ticket item in the state's budget, costing taxpayers some half-billion dollars annually.

But roads aren't all that state government is trying to get on the ground. With much less fanfare, California has for some time now been engaged in another massive construction effort, second only to highways in the amount of dollars involved. This effort aims at nearly doubling the number of state prisons to keep pace with an explosion in inmate population (see "Prison construction," *CJ*, April 1984). But it's an effort so plagued with problems as to make highway building look like a breeze. Says Ruth Rushen, director of the Department of Corrections from 1980 to 1982, "I told somebody once, 'God himself would have a problem putting a prison in California.' "

Between March 1977 and March 1985 prison population grew by 24,482. But over those seven years only 4558 beds ("beds" are how correctional officials measure capacity) have been added to the prison system, and more than half of them have been readied only within the last fifteen months. All this has occurred despite the fact that over $1 billion has been authorized since 1980 to expand and fix up prison facilities.

Today 42,402 prison inmates are crammed into 12 medium and high-security institutions and 28 low-security conservation camps — all of which together were built to accommodate 28,957 people. And while some may feel lawbreakers have no right to expect anything more than food and a place to sleep behind bars, judges have disagreed. Two prisons in California — San Quentin and a part of Folsom — are under court orders banning double-celling. Moreover, prison violence has gone up in recent years — a development which many observers attribute at least in part to overcrowding and the tensions it creates.

Determinate Sentencing

It's not as though the growth of California's prison population materialized out of the blue, catching Sacramento decision-makers by surprise. While elusive demographic trends and social forces are responsible to some degree for more people being hauled off to the pokey, the main reason the number of inmates has skyrocketed is that, starting in the late 1970s, the Legislature passed a series of get-tough-on-crime laws.

Of these various measures, the Determinate Sentencing Law ("DSL"), enacted in 1976 and effective July 1, 1977, is the landmark legislation (see "Keeping them locked up," *CJ*, March 1985). The DSL was followed by a slew of bills increasing the length of sentences, curtailing probation and otherwise making punishment for various crimes more onerous and more certain of application. Result, as intended: more people sent to jail and for longer periods of time.

But response at the receiving end was something else: not much of anything until 1980; a lot of floundering around from 1980 into 1984; and, in the past year, some progress but a persistence of problems as well. Says Jerry Beavers, who oversees most state construction for the legislative analyst, "There's no excuse, just no good excuse, for us to be where we are with the program to build new prisons."

Beavers and others say that what stymied prison-building until 1980 was an argument over something pretty basic: numbers. Starting in 1977 the Department of Corrections, then headed by Jiro Enomoto, began projecting substantial increases in prison population and, projections in hand, asked the Legislature to appropriate $94 million in 1977-78 and $100 million in each of the three subsequent years for prison construction. But the projections weren't taken seriously, for several reasons.

First, the state's prison population had been going down, not up, for nearly a decade (from over 28,000 in 1968 to under 20,000 in 1977) and the situation immediately at hand was not a shortage of space but excess capacity. Surprisingly perhaps, among the factors that had caused that decline were the often-permissive incarceration policies followed by former Governor Ronald Reagan's administration.

Second, because of the way the DSL affected people already in prison, in its immediate aftermath the institutional population dropped even further — a result that was only temporary but nonetheless served to undercut those who said the DSL would swell prison rolls.

(The DSL was not primarily a statute that lengthened prison terms. Mainly, it was designed to fix terms for most crimes in law, thereby removing the ability of state parole officials to increase or decrease sentences as they saw fit. Thus when first applied, it required the release of some prisoners who had already served the time specified for their crimes. For the most part, however, sentences were lengthened, either by the DSL itself or by subsequent "get-tough" legislation.)

Third, the Department of Corrections had a serious credibility problem with its forecasts because it had historically overestimated inmate numbers. According to a consultant hired by the Legislature in 1978 to look over the CDC proposals, the CDC had been off nearly 20 percent in the nine prior years. (Unfortunately for the consultant,

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Approach Associates of Oakland, its task was not merely to evaluate the work of the CDC but to produce its own numbers as well. Confidently the firm advised the Legislature, "No expansion of current prison-bed capacity is warranted at this time. Consultants' population forecast (*sic*), at most, a modest rise in population in the next five to six years.")

While it's rare for statistics alone to determine legislative actions, uncertainty over numbers — and the needs they represent — can bolster legislative reluctance to move in a particular area. Says Dennis Dunne, since May 1983 in charge of the construction program for the Department of Corrections, "Let's face it, there are a lot of demands on legislators and a lot of different ways to spend money. Prisons aren't necessarily a high priority compared to other things. And it's good news if some people are telling the Legislature prisons aren't really needed."

The people from Approach Associates weren't the only ones telling lawmakers to reject a big prison-building initiative. Fashionable among progressive elements of the correctional world during the 1970s (and, to a certain extent, today) was the notion of community-based treatment as an alternative to incarceration in large, isolated institutions. The concept of community treatment was also fervently advocated by certain civil rights and religious organizations across the country — most prominently in Sacramento by the Friends Committee on Legislation, a Quaker-sponsored group. While the anti-prison movement ultimately failed at the legislative level, it broadened debate beyond the question of whether there was a problem in coming to what should be done if the problem in fact arrived.

According to Beavers and others, the Department of Corrections also hurt its chances of getting money to start building prisons before 1980 by failing to put together even the most rudimentary information on how it would spend the funds employing a "trust us" approach to budgeting which many say has been the hallmark of the department's relations with elected officials and other "outsiders" over the years. Says Beavers of the early requests for $100 million, "They wanted a blank check. It wasn't the case that the Legislature wasn't willing to do anything, but they certainly weren't willing to fork over that kind of money without any sense of where we were going."

What the Legislature did do between 1976 and 1979 was put $17 million into planning, and in 1980 the Department of Corrections — aided by the Office of the State Architect and an army of consultants — came out with its first comprehensive blueprint for prison construction. Titled "Facilities Requirements Plan," the document said $1.2 billion should be spent on prison construction — $800 million to fix up existing facilities and $400 million to build new ones. Also in 1980 inmate population increased markedly for the third year in a row, putting a real-world end to arguments about where the numbers were heading.

Whether because of better paperwork and/or lobbying by the CDC, or because of the numbers, or because of a subtle shift in some other part of the complex of forces that shape legislative priorities, the zeitgeist changed in 1980 and, four years after determinate-sentencing passed, funds were finally appropriated to design a specific new prison: a 500-bed maximum-security facility to be located on the grounds of an existing prison at Tehachapi. The Tehachapi set-aside (part of an $18 million budget item which also included money for temporary housing and new camp facilities) started a wave of dollars rolling into new prison projects. In 1981 the Legislature appropriated funds for new prisons in San Diego County and at Folsom, and in short order prisons in other areas also received a go-ahead. To pay for the various projects, two bond measures were put on the ballot — one for $495 million in 1982 and another for $300 million in 1984 — and the Legislature also enacted in that latter year a lease-purchase scheme to raise yet an additional $300 million.

A morass of confusion

Unfortunately, money and legislative backing did nothing to get prison construction going. Notwithstanding the fact that the Department of Corrections repeatedly sought, and got, legislative approval for particular prison projects over the next several years, the program bogged down in a morass of confusion over what facilities, of what type, should be built. Says Pat Marrone of the Friends Legislative Committee, one of the groups that opposed prison construction, "It's kind of ironic, but our best allies have turned out to be the CDC. They've been so slow and so fouled up, practically nothing's on the ground."

While it's probably unfair to nail the CDC alone for the paralysis which affected the prison-construction program from 1980 to 1984, administrative factors within the department do appear to have contributed in large measure to the lack of construction progress.

First of all, after years of stability at the top (the CDC had only four directors between 1946 and 1980 — all drawn from the department's well-entrenched civil service staff), the CDC entered an era in which short-term occupancy of the director's office became the norm. In January 1980 a new cabinet-level entity — the Youth and Adult Correctional Agency — was created to oversee the CDC and related departments. Shortly after the first YACA secretary (Howard Way, a former state senator) took office, Enomoto was replaced as CDC director by Ruth Rushen, the first "outsider" (she had been a probation and parole official). In the fall of 1982 Rushen turned the reins over to her chief deputy, Sam Yockey (also an outsider), who continued in the job for the first few months of Governor George Deukmejian's new administration. He was then followed by Dan McCarthy, George Denton and McCarthy again.

Meanwhile, apparently because they lacked confidence in the abilities and attitudes of CDC staff, and/or because they didn't grasp the enormity of the task, CDC and YACA executives failed to set up the bureaucratic machinery to turn broad policy — whatever it was — into action. Although special 1981 legislation put the whole prison-building effort into the hands of the CDC (usually the Office of the State Architect shares responsibility for construction with the department immediately involved), as late as 1983 only three CDC employees were working full-time on the prison program, including projects to upgrade existing facilities. And they were several levels down from the top on the CDC's organizational chart.

Which is not to say there was no over-all management of the new construction effort. There was, but it had problems of its own. At the prodding of the legislative analyst, who continued to flail the department for its failure to get going, the department had hired a team of consultants to oversee prison planning and construction.

No consistent plan

Not surprisingly, a rocky relationship developed between the CDC hierarchy below the director's level and the consultants — a joint venture involving the firm of Rosser, White and others out of Atlanta, Georgia, and Kitchell CEM from Arizona. Paul Rosser, who had worked on several projects for the CDC starting in the Enomoto days and who served as president of the joint venture, says policy flip-flops and lack of direction, particularly after Rushen left, made his job impossible. As for the permanent, civil service structure of the CDC (which he thinks has run the show

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post-Rushen), Rosser says, "You'd think the CDC would want to build new modern prisons. But they wanted to build something they were familiar with. Like gun-walks, so an officer can shoot into cells, for example. This has been obsolete for at least 50 years."

Whether as a result of changes at the top and/or disarray and incompetence below (or — as Rushen claims — changes in signals from the Legislature), CDC officials had trouble sticking to a consistent plan of action for prison construction and, more specifically, deciding whether to give priority to improving existing facilities or building new ones. While the 1980 plan (released under Enomoto's name) called for permanent new prisons as well as some temporary facilities and community beds to expand capacity, the plan favored modernization by a two-to-one dollar edge. Three years later — with the bed-deficit reaching crisis proportions — the department released, under Yockey's name, another plan containing not a dime for modernization. This new plan, for the most part an expanded version of a skimpy 28-page document prepared in-house a year earlier when Rushen was still director, included a scheme to provide emergency housing for thousands of inmates in tents and metal modules. It also called for the construction of eleven new prisons, three of which were to be "relocatable." By 1984, in the second McCarthy regime, the plan changed again. The metal modules and the relocatable prisons were gone and some modernization had crept back into the program.

As the plans lurched around the landscape from 1980 through 1984, individual projects changed character and drifted in and out of CDC budget requests — none, however, making the critical transition from paper to steel and concrete. Of the four new facilities specifically mentioned in the 1980 plan, only one surfaced in the 1983 plan. And the 1984 plan dropped two projects from the 1983 list, added two others and dramatically boosted the bed-count for yet two more. One legislative staffer and long-time CDC-watcher comments, "It seems that every week or so they changed their minds. By the time they put a plan out on the street it was obsolete. How are you going to build anything if you can't decide what you want to do?"

At another level, bitter battles raged over the design of individual projects. These disputes involved issues such as the appropriate number and spacing of guard-towers, and they pitted the more conservative elements of the department (the "guns-and-barbed-wire" contingent, as they're labelled by one critic) against department and agency leadership and money-conscious legislators. Although many of these issues have been resolved (mostly in favor of the hard-liners), some still remain, and lack of consensus on what prisons should look like has added to the delay in developing individual projects.

Recently, the administrative structure of the prison-construction program was revamped and construction itself seems to have moved off dead-center. In March 1984 Rosser and his consulting team severed their relationship with the CDC, and the department on its side beefed up its in-house planning and construction staff. One new project (at Vacaville) is partially complete and occupied, and on-site work is in progress at two other locations — Folsom and Tehachapi. But seven additional prisons have been approved by the Legislature and there's a problem with these prisons that the CDC didn't face with Vacaville, Folsom and Tehachapi.

That problem is siting (see box). While the three projects under construction are all located on the grounds of existing prisons, the seven remaining facilities are slated to be built on entirely new sites at various locations throughout the state. And much as public sentiment may favor a tough response to crime, few people want criminals locked up in their neighborhoods. Recalling her efforts to get agreement on a site for a prison in Los Angeles County (an area which supplies the state prison system with about 40 percent of its inmates but doesn't have a single state prison within its boundaries), Rushen says, "What irritated me was people would say, 'Why don't you try that site over there?' We'd say, we did and here's your signature saying 'over my dead body.' "

While not absolving local people from blame, many observers say the CDC has exacerbated its siting difficulties by its ineptitude in dealing with communities and with the legislators who represent them. Says Democratic Senator Robert Presley of Riverside, who's supported prison building from the beginning and who now chairs the Joint Committee on Prison Construction and Operations, "The CDC's biggest problem is insensitivity — a lack of knowing how to approach a community. The first thing you do is keep all elected policy-makers informed and tuned in. It's a major

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problem if you don't do this."

The state has one other tool it could use to site a prison: eminent domain. Simply put, the state has the legal right to come into a community, condemn a suitable piece of property, pay its owners an assessed fair-market value, then build a prison. But as Corrections officials admit, that's an extremely unpopular and drawn-out way to site a prison, often involving years of litigation. Besides, say department officials, because several communities have expressed an interest in having a prison, the state has not yet had to force a facility into a town that doesn't want one.

When it comes to fixing responsibility for the laundry list of blunders that have afflicted California's prison building program, the line-up is a long one, spanning the administrations of two governors and a lot of comings-and-goings in the Senate and Assembly.

It was the members of those two bodies who failed, until 1980, to do anything to accommodate the swelling prison population which resulted largely from the Legislature's own drive against crime. And when lawmakers finally okayed new prisons, the executive failed to deliver.

Under two YACA secretaries — Howard Way and the current office-holder, C. D. Chaderjian — a succession of CDC directors issued a series of ever-changing master plans for prison construction while failing to put together the kind of organization that could get actual facilities built. Even today, with staff and procedures finally in place, problems apparently remain. Jerry Beavers of the analyst's office points to mix-ups in the scheduled sequence of steps involved getting different projects built, and he bemoans what he calls, "A general lack of good management."

As for the civil service employees of the CDC and the role they have or have not played in all this, opinions differ. Some say CDC's staff, rigid and out-dated in its thinking, repeatedly thwarted efforts of CDC and agency executives and their consultants to move forward in a progressive and cost-conscious manner. Others say the knowledge and skills of CDC staff haven't been properly utilized the political appointees in charge. Yet others say that CDC staff is just plain incompetent.

Finally, prison construction hasn't been helped at all by the decidedly negative reaction of most communities to the idea of housing law-breakers in their midst — a reaction the CDC is now trying to change with a marketing effort aimed at selling prisons as benign forms of non-polluting, job-generating light industry.

In any case, CDC officials today think they're finally moving. But they have a long way to go, and if current projections come true, prisons will continue to be seriously overcrowded in the next few years. Prison officials expect some 56,300 people to be locked up by 1989. Even if all problems evaporate and the Department of Corrections succeeds in meeting its extremely optimistic construction targets, the prison system will be short 11,800 beds at that time — eleven years and many twists and turns after passage of the Determinate Sentencing Law.

Siting problems: the little town that didn't

When the state of California can't seem to build a prison in a town that says it wants one, then you know that prison-siting problems are immense. The town, Adelanto, is situated on the southern edge of the Mojave Desert in San Bernardino County. Its leaders requested a prison eight years ago for the economic boost the facility would bring. But after selecting a site there in 1981, the state Department of Corrections backed out earlier this year.

Department officials say they were concerned by written advice from the attorney general's office, warning of law suits arising from jet flights over the proposed site. The flights — as many as 130 a day by F-4 Phantoms — originate from nearby George Air Force Base and, according to tests conducted by the state, cause deafening roars that last up to 35 seconds at a time. If, for instance, a guard or inmate was about to be attacked and failed to hear a warning because of jet roar, the state could be liable for a huge damage claim.

The corrections department had run noise tests in 1981, but there were some complaints that too few flights were covered to get an accurate reading. At that point, GOP state Senator H. L. Richardson, who represents the area, visited the site, found the noise "deafening" and requested more tests from the state Department of Health Services. Its results showed Adelanto acceptable, but only if the Air Force would alter flight patterns. But the base commander refused, explaining that runway location, prevailing winds and other factors mandate the patterns. Corrections then asked the attorney general to define the state's liability.

Later, Democratic Assemblyman Richard Floyd accused Richardson of intervening to help developers from nearby Victorville. According to Floyd, the developers wanted the prison stopped because it might use too much of the area's scarce water resources. A Richardson aide says Floyd's charges are false and irresponsible.

Floyd also says that the Air Force flew "hot and heavy" every time a prison hearing or noise test was held. Adelanto officials contend that the Air Force opposed the prison because it would bring growth to the area that might interfere with base operations. An Air Force spokesman said the base was concerned with growth but remained neutral on the prison and never upped the number of sorties during test periods.

Whatever the reasons, Adelanto will not get its prison. Corrections plans to build the maximum-security facility at Soledad, where it already has a prison and where, presumably, it won't run into low-flying aircraft.

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Working harder to cover a macho beat

By REBECCA LaVALLY

Then-Assemblyman Bill Lockyer was determined to talk sex. Freshly assigned to cover the Legislature for United Press International, I wanted to talk politics. That was why I accepted his invitation to lunch shortly after taking the job in 1977. But the Democratic lawmaker from San Leandro persistently steered the conversation away from business.

When a woman lobbyist stopped by our table, the two hugged and kissed. Lockyer told me he wanted to cultivate just that kind of relationship with all women reporters.

At the end of the awkward hour, Lockyer summed up his opinion of me. "You," he said, searching for the perfect word, "are impenetrable." He clearly meant it in every sense. I never went to lunch with a legislator again.

Now chairman of the Senate Judiciary Committee, Lockyer has carried much of the comparable-worth legislation backed by feminist groups. I talked to him in late March about his luncheon invitation of several years ago because I had decided to use his name in a story about women in the Capitol press corps.

"Obviously, in a very macho, aggressive universe that politics tends to be, a certain amount of sexual politics is fairly inevitable," Lockyer said after expressing his dismay at resurrection of the incident. "I realized from your reaction and from others that it's just better to be non-male in these kinds of work situations, and that may be somewhat unnatural, frankly."

Lockyer said that, at the time, he had been unmarried and trying to sort out his personal life. He said he had not been attempting to trade information for sex. "I was just wanting to f--- you," he said as we stood on the Senate floor.

PHOTO TOM ABBOTT

Although Lockyer says he has given up the practice of inviting himself unasked into women's personal lives, even though it was "somewhat unnatural" for him to do so, others carry on.

Part of the job?

Last summer an assemblyman half-seriously told a female student intern attending an Assembly floor session that her new job with *The Los Angeles Times* included having dinner with him.

"I was disturbed by the fact a female reporter was unable to do her job over there without being approached for a date," says William Endicott, Capitol bureau chief for *The Times*. There are other ways, of course, for men to demonstrate their attitudes toward women without assuming that every nearby female is ready and willing to date.

Former Assemblyman Walter Ingalls of Riverside used to pester women reporters about wearing dresses. He once sent a male reporter into gales of laughter by saying, in front of me, that another woman reporter looked like she had visited a gynecologist with cold fingers. Governor George Deukmejian's press secretary, Larry Thomas, told me in apparent surprise that I had "quite a little temper" after we tangled over a story. Assemblyman Louis Papan of Millbrae, never talks to me without asking who is taking care of my daughter while I work. Assembly Speaker Willie Brown once referred to me as a "bitch" because I asked a question he didn't like at a news conference held to accuse GOP Assemblyman Don Sebastiani of sexism.

But despite these episodes, I would never deny that the situation for a woman reporter at the Capitol today is much improved from what it used to be.

Author Mary Ellen Leary, who covered the Legislature for several years beginning in 1944 for the now-defunct *San Francisco News*, said she at first was excluded from then-Governor Earl Warren's annual press corps dinner because she was a woman. Gradually, she recalls, she won acceptance within the Capitol press corps of that day.

Tracy Wood, a *Times* reporter based in Los Angeles who went to work for UPI's Capitol bureau in 1967, says things are "vastly different" now than when she was prevented from covering a state commission meeting in an all-male club near the Capitol. Following that incident, a law was passed banning public meetings in places that practiced this and other forms of discrimination.

She also remembers Ronald Reagan's office asking that she not cover his reelection campaign for governor in 1970 because his campaign plane had no toilet facilities for women. Like some other long-time reporters who are women, she remembers editors discouraging her from entering the business.

Wood, incidentally, still refuses to join Sigma Delta Chi, the national journalism fraternity, which voted to admit women in 1969. Her colleagues at the Capitol didn't become interested in her until right after that, when they had a chance to draw atten-

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tion to their chapter by making her the first woman member in the country, she says.

Okay. So women reporters face few hurdles now. In fact, after talking to female colleagues, I can report that many of them say there is no overt sexism at the Capitol. And some even are bored by the issue.

"Why aren't there more women and minorities in the Capitol press corps?" asks Ginger Rutland, a black woman who reports for KRON-TV in San Francisco. "I don't know and I'm tired of the question, frankly."

Said another woman reporter: "I don't like whiners. If you're going to a do a job, then do it."

Many male reporters also are bored by the subject and some are skeptical of complaints from women reporters.

John Balzar, a political reporter for *The Los Angeles Times*, told me that writing about women in the Capitol press corps was a terrible idea. Women get the breaks in hiring these days, he says, and he's tired of being made to feel guilty about any breaks they didn't get before.

While sympathizing to some extent with Balzar, I cannot help but believe that things are not what they should be. The sense of machismo that flavored the examples I used earlier in this article hasn't exactly been stamped out at the Capitol. Most of the really important business of running the state, let's face it, is handled by men. Newcomers may be the ones struck most by a certain macho aura about the place, but old-timers don't deny it's there.

"This is a more macho beat than anything I've covered before," says Ann Bancroft, a Capitol reporter for the *San Francisco Chronicle* (now on leave of absence). "I've always worked with men. Somehow, I was never aware, particularly, of being a woman in a man's world until I got up here."

Says a woman reporter who didn't want to be named: "Nobody listens to your opinion because you're this woman and you don't know a lot about politics. That's the mindset; women's opinions don't count. It (the press corps) is a very male, very macho group and they're here because they're the best from wherever they came. Certainly, when you're just sitting down and rapping with them about politics, they never pay any attention to you."

"The real difficulty women have dealing in the world of politics is that it is still dominated by men," says the man who is perhaps the Capitol's best-known reporter, *Sacramento Bee* columnist Dan Walters. "It tends to be populated by people of boundless ego with a need to dominate situations.

"Probably there is no more prickly situation than a male politician and a woman reporter who is firing questions at him, berating him in some way. It's the sort of stuff he might take from a male reporter, grin and bear it, but he might not like taking it from a woman.

"Despite all the window-dressing, it (the Capitol) is still very much a fraternity-house atmosphere in which women are tolerated, appreciated in a decorative sense very often, but not necessarily welcomed. A woman reporter probably has to work harder to come up with the same degree of information."

It may make little difference to newspaper readers, radio listeners and television viewers that women might be perceived somewhat differently at the Capitol than men. But it is a symptom of the fact that a relatively small number of women — and minorities — cover the news (see box). If there were more of us, the locker-room atmosphere would disappear.

But more important, the dearth of women reporters affects the quality of news coverage in Sacramento.

Scientific study shows that women, from infancy, have fundamentally different interests, abilities and attitudes than men — even if they graduate from the same journalism schools. Fewer women in the press corps means that some issues of special concern to women are probably being left uncovered. Even a woman's by-line, I suspect, can play some small role in generating the interest of more women readers in politics.

The Chronicle's Bancroft for instance, says she is interested in covering health-and-welfare issues and other "touchy-feely things that get put down by men, that are out of the spotlight. And that's why they're out of the spotlight."

"Before I came to the Capitol bureau, abortion was never covered," says *Sacramento Bee* reporter Claire Cooper. "It was treated like an Iranian demonstration instead of as something integral to the politics of the Capitol." (Cooper, now assigned to *The Bee's* main office, was the only woman in the bureau for six years.)

Like most reporters, I tend to be

Continued on next page

Women reporters: the numbers

The transient nature of the business makes it difficult to calculate how many women reporters are assigned to the Capitol on a regular basis. Tom Woods, president of the Capitol Correspondents Association, says there are roughly 17 female and 110 male reporters from the print, television and radio media in the accredited Capitol press corps.

Spokesman Bob Taylor of Governor George Deukmejian's press office says that 25 women reporters, photographers and television camera operators as of April were among those who received 103 press passes distributed by his office.

Suffice it to say that if you get your Capitol news primarily from general circulation newspapers, you are not getting much of it through the eyes and ears of women (and/or minorities).

Until the mid-1970s female Capitol reporters could be counted on one hand. By the late '70s two hands were required. But as of April there were no women reporters regularly covering state politics in Sacramento for the *San Francisco Chronicle*, *The Sacramento Union*, *The San Francisco Examiner*, the *Oakland Tribune*, the *San Jose Mercury* and *News*, *The Register* of Orange County, the *Daily News* of Los Angeles and most smaller newspapers.

The Los Angeles Times had a female student intern working part-time but nine full-time male reporters. The Associated Press had one woman on its staff of seven. *The Sacramento Bee*, with the largest Capitol bureau, had two women, one working three days per week, among its 11 statehouse reporters.

United Press International had the highest ratio among the large bureaus: three women reporters, three men. Gannett News Service in April had two women in its three-member bureau, but one was assigned temporarily, scheduled to be replaced by a man in May.

One of Sacramento's four television stations has a woman assigned to the Capitol. Two women independently provide radio news services for stations outside the city. Only two out-of-town TV stations, both in San Francisco, maintain Capitol bureaus. One has a black woman reporter, Ginger Rutland. *Rebecca LaVally*

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most enthusiastic about covering what interests me. *Bee* columnist Walters likes to concentrate upon special-interest influences at the Capitol, but his stories on trucking industry bills don't always hold my attention, important though they may be. When I've had time to pursue features, I've written about the effectiveness of the state's spousal-rape law, discrimination against children in housing, the number of women seeking elective office and the state's study of comparable worth among its own employees.

I'm not preoccupied with writing about so-called women's issues, by any means, and I work as hard as the next guy to avoid bias. But I'm sure that if there were more backgrounds represented in the press corps, stories would materialize that have gone uncovered — perhaps generating wider interest in political news.

Perhaps a watershed of sorts occurred this year in the Capitol's treatment of an extremely sensitive subject involving working women.

Several women covered highly-publicized Senate hearings at which female guards accused male colleagues of sexual harassment at Folsom Prison. Joe Campoy won Senate confirmation as Folsom Prison warden with no votes to spare and amid some speculation that the harassment allegations would not have been taken as seriously a few years ago. (It also may have made a difference that there were two more women in the 40-member Senate, increasing their number to four.)

Male reporters recognized the charges of sexual harassment as a good story but might not have been as interested in the subject as, say, a woman who was propositioned over a business lunch. Sometimes, empathy for a subject can make a reporter work harder to produce a solid — but unbiased — story.

Why aren't there more women reporting on state politics and government? Some reporters suspect that women may not be as interested in covering politics as they are in reporting other subjects.

The Times' Endicott says he has found it difficult to lure women from *The Times'* Southern California offices to Sacramento, partly because of the growing phenomenon of two-career marriages. *The Times* Capitol bureau a few years ago included three women, among them its bureau chief, but all have returned to Southern California.

"I can tell you there's one less woman up there because of me," says *Times* reporter Claudia Luther, one of those who returned to Los Angeles. "I directed a friend away from there who was single, also. I said, 'If you can put your personal life on hold for a couple of years, go ahead.' "

Luther says the Capitol beat is "wonderful," but that homey Sacramento is poorly suited to producing an interesting social life for singles who arrive from Los Angeles. "I never really was a gardener," she said.

Susan Jetton, a political reporter for the *San Diego Union* who frequently travels to Sacramento, says relatively few women cover state politics simply because more aren't assigned. The heavy travel schedules of election campaigns may be difficult for some. "Generally, editors tend not to put women in that job," Jetton says.

Balzar told me a recent university journalism class he addressed was 50 percent composed of women. But it is not unusual to cover a Capitol hearing as the only woman reporter among 10 male colleagues. Women may be entering the profession in ever-larger numbers, but I suspect they do not always get the promotions that lead to jobs at the Capitol. One editor at a major metropolitan newspaper recently confirmed this suspicion during an off-the-record talk with me.

Changes to Come

However, there is hope. For instance, Gregory Favre, *The Bee's* executive editor, says that since taking the job in April 1984 he has put significantly more women into reporting and management positions — and is personally committed to continuing to do so. His attitude, I am sure, is not unique.

And as more women reporters come to the Capitol, they'll be less inclined to view themselves as somewhat apart from their male colleagues. Each year the press corps has challenged the Legislature to an all-male softball game, which women reporters have been invited to watch. Perhaps it is an omen that a male reporter decided this year to start a co-ed softball team. Three years ago, when I tried it, there weren't enough willing women reporters to keep it alive. Maybe it will thrive this time.

Republican Senator H.L. Richardson, one of the Legislature's more prominent conservatives, initially was asked by the *California Journal* to write about women in the press corps. He told me he declined because he saw no story there. I volunteered because I felt his judgment was premature. But I expect that someday Richardson will be proven right.

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Add to all of the above the fact that 1984 is a particularly busy year with the Olympics, National Conventions and a Presidential Election.

The expenses of a political campaign and holding office continue, but this year we can save the wear and tear on the Tux and all of the time and energy of coordinating our schedules by participating in the First Annual NO SHOW DINNER.

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...'money changing at the Capitol'

By STEVE SWATT

Not long after the beginning of the 1985-86 legislative session, a Northern California lawmaker held one of the first fund raisers of the season — a $500-per-person winetasting affair at a Sacramento pub. At the time, the legislator had just received several new committee assignments, and so the legislator's position on several key issues was not yet known. Thus one lobbyist refused to buy a ticket.

"We haven't seen you perform yet; you have no track record," the lobbyist explained.

Two weeks later, the legislator gave the lobbyist a blunt reply. When a minor bill being pushed by the lobbyist came up in committee, the legislator deliberately withheld a vote. Being non-controversial, the measure received a majority nonetheless. But the track record that the lobbyist wanted was established, and it said: "Pay up, or else."

And so it goes at the state Capitol as lawmakers and lobbyists maintain their symbiotic relationship, each giving the other what he or she needs. For the legislator, it's campaign money; for the lobbyist, it's votes.

According to the Fair Political Practices Commission, the average cost of a 1984 legislative contest was $446,000, another new record. Included in the $44.6 million total were three state Senate campaigns that cost over $1 million each.

There are several ways to raise that kind of money. Among the most common are direct-mail appeals and solicitations to colleagues whose own campaign coffers are more than adequate for their needs.

But it's the fund-raising reception — often a dinner — aimed squarely at the third house, that remains the staple of Sacramento cash flow. In the first five months of 1985, a non-election year, one Capitol lobbyist received 83 separate fund-raising invitations from state legislators. If one ticket had been purchased for each event, the tab would have come to $41,260.

Since there are about 700 registered lobbyists at the Capitol, if each had gone to all events, lawmakers would have grossed $28,882,000 during those relatively few months.

During one week last March a lobbyist could have punished his liver and checkbook by attending 11 separate events. On Monday evening, for instance, there were four, hosted by Republican Assemblywoman Marian LaFollette, Democratic Assemblymen Norm Waters and Elihu Harris, and Republican Senator William Campbell. Mrs. LaFollette's $350-a-person event featured guest appearances by three top Deukmejian Administration officials. Harris promised an "exotic Caribbean food feast" for the $500 tab. Campbell and Waters actually held their $500 receptions at the same time in different corners of the same nightspot.

Since Sacramento's downtown watering holes are only a few blocks apart, it's not unusual to see lobbyists on the streets, trekking from one obligation to the next. Many legislators also make the rounds. For them it's a free meal (they rarely buy tickets from each other) and a chance to make a colleague look good by helping create a crowd at the colleague's event.

A veteran lobbyist believes that some lawmakers may attend another's event simply to see who bought tickets.

"You tell a guy 'I'm sorry, we have nothing for you.' Two days later you go to another fund raiser and there's this first guy checking the house. You have the uneasy feeling he's looking you over. It's galling," the lobbyist says.

Both lobbyists and legislators know that lobbyists generally buy tickets to a particular fund raiser because the legislator who is sponsoring it may do good (or bad) things for them. But no one says that out loud. For the record, legislators, in selling tickets, often refer to the fine speakers or unique entertainment they will provide.

Occasionally, however, the truth will out. Last year, for instance, Democratic Assemblyman Dave Elder of Long Beach told contributors to send him the $350 for a ticket and forget about the rest. "This year we can save the wear and tear on the tux and all the time and energy of coordinating our schedules by participating in the First Annual NO SHOW DINNER," his invitation said. Actually contributors did get something. Elder gave them dinner gift certificates to selected restaurants in Sacramento, Long Beach, San Francisco and Beverly Hills.

But, as indicated, most fund-raising dinners are promoted as special events, each with its own gimmick or theme. There are several categories:

Big names: Republicans often get Governor George Deukmejian to make a pitch for their reelection efforts. Democratic Senator Art Torres charged $1000 to hear U.S. Senator Ted Kennedy give a speech. Assembly Speaker Willie Brown's guest speaker at one event was New York Democratic Governor Mario Cuomo. When in doubt, get Hollywood stars. Ed Asner, for example, has made a pitch for Democratic Senator Herschel Rosenthal. Clint "Cheyenne" Walker appeared on behalf of Republican Senator H. L. Richardson.

Happy birthday to me: Legislators love to use the occasion of their own birthdays to fill their campaign treasuries. Occasionally, one stands out. Recently Democratic Assemblyman John Vasconcellos held a $750 buffet dinner to celebrate his 53rd birthday. The invitation hailed the event as "one of the biggest victories ever." Last year, he survived a heart attack and by-pass surgery.

Exotic fare: Fund-raisers offer everything from roast pig to Portuguese, Basque and Greek cuisine. Also this year there was a clam bake, an elegant steak and lobster dinner and a "gourmet garlic gala." Democratic Assemblyman Bruce Bronzan offered "all the ice cream you can eat" for $500.

Discounts: Republican Assemblyman William Filante held two $500 fund raisers a day apart last December. Each attendee was treated to fine California wines and a San Francisco 49ers playoff ticket. But those who made it to both events were given a $200 discount. Chico's Stan Statham has tried a similar gimmick. He invites different lobbyists to lunch several times a year, leaving the size of the contribution "up to you." He hasn't been stiffed yet, he says. "I normally get what everybody else gets." Not that

Steve Swatt is Capitol correspondent for KCRA-TV in Sacramento.

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he needs the money. He was unopposed in 1984.

Cute: Last year Republican Senate candidate Marian Bergeson charged $150 for a "Salute to Garth Bergeson." The fine print in the invitation noted: "All the proceeds to benefit his wife."

Bigger is better: A number of legislators recently have broken new ground in the search for fund-raising gimmicks. Republican Assemblyman Gerald Felando took his contributors on a $1000 fishing trip one weekend last year off the Southern California coast. Democratic Senator Alan Robbins charged his contributors $1279 for "a fantastic escape to Mexico" aboard the S.S. Azure Seas. Democratic Senator Alfred Alquist of San Jose charged $2500 for a Super Bowl party — tickets included, of course.

Despite all these fine themes and gimmicks, not every fund raiser is a success. For instance, the topper of fund raising events could have been Republican Senator William Campbell's $5000 trip to Hawaii. Five days of sun, surf, luaus, parties and the 1985 NFL Pro Bowl football game thrown in for good measure. Alas, this "ultimate" fund raiser, as Campbell called it, never took place. Only about a half-dozen lobbyists expressed interest. Further, the event failed to attract the targeted invitees — first-time contributors, or "new money" as it's called in the trade.

Assemblywoman Jean Duffy recalls her first venture into the big time. She had pulled off a number of successful $25 fund raisers and, in mid-1981, after switching from Republican to Democrat, she went for the brass ring — her first $500 event. Like others trying to raise that kind of money, she contracted with a professional fund-raising consultant (fees often run to 20 percent of gross revenue). But she didn't realize she was supposed to follow up the written invitations with personal phone calls to lobbyists. Some lawmakers refer to this practice as "dialing for dollars." The fund raiser bombed. "There we were," Mrs. Duffy recalls, "standing in this almost vacant banquet room and only 10 people showed up."

But that wasn't as embarrassing as what happened to Republican Assemblyman Ernie Konnyu. Only a few months after assuming office in 1981 Konnyu held his inaugural fund-raising event. Only three tickets were sold. Presumably, as the lobbyist said at the beginning of this article, he hadn't yet established his track record.

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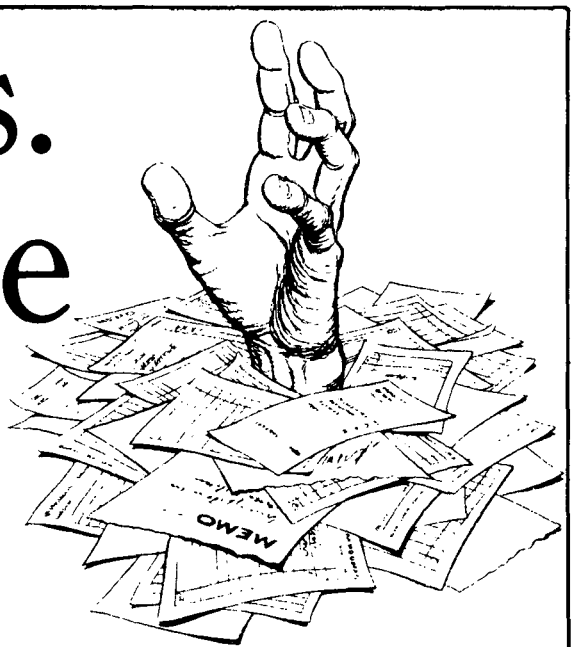

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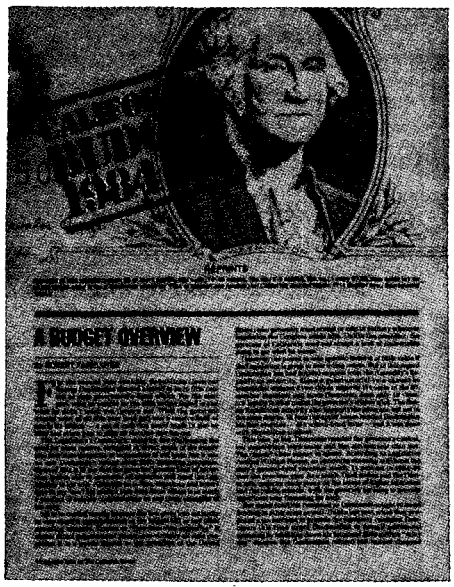

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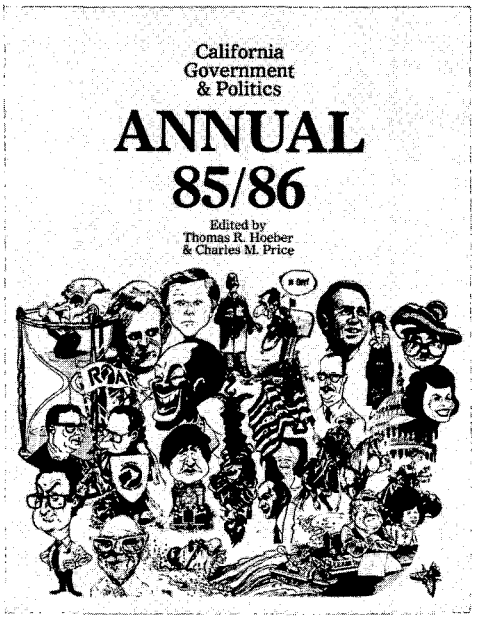

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WHAT MAKES CONWAY RUN?

By STEVE LAWRENCE

The state Board of Equalization is a powerful agency, but it's also a political backwater, the kind of place in which political careers are spent, not begun. Board member Conway Collis hopes to change all that. He is bright, aggressive and — some would say — none too scrupulous. But most of all he is ambitious, determined to move from his seat on the board to higher and higher political office. "If the Supreme Deity were an office, he'd be running for that," says another board member, an admittedly hostile William M. Bennett.

Collins, a youngish-looking man who is seemingly frank and open, makes no secret of his ambition, and he tends to dismiss critics like Bennett with a smile. There is, he says, a generational gap between them. He, at 37, is the youngest on the board; Bennett, at 67, is the oldest. Concerning his desire to get ahead, he says, "I think politics is a lot like business: You do a good job, you get promoted."

A 1974 graduate of Stanford University law school, Collis worked for more than six years as an aide and fund raiser for U.S. Senator Alan Cranston before deciding that it was time to begin a political career of his own. However, his route to the equalization board was complicated and was to figure in a later investigation.

Formally, Collis was appointed to the board by former Governor Jerry Brown in August 1982. At the time, he was already a candidate for the seat, having won the Democratic primary in June. The First District seat had been occupied by veteran board member George Reilly who had previously announced plans to retire at the end of his term. However, citing ill health, Democrat Reilly resigned early, giving Brown a chance to put

Steve Lawrence is a Capitol reporter for the Associated Press.

Collis in the seat. Thus Collis — able to run as the incumbent — got a leg up on his Republican opponent in November, and won. Reapportionment changed district numbers, and Collis now represents the Second District.

But the equalization board was actually Collis' second choice. Initially, he had hoped to begin his political career in the state Assembly. Specifically, he wanted the West Los Angeles seat being vacated by Democrat Howard Berman, who was on his way to Congress. A victory there would have allowed Collis to work with Berman and West Side Democratic Congressman Henry Waxman, thereby joining the influential Waxman-Berman group. But Gray Davis, Jerry Brown's former chief of staff, also wanted the seat and — facing an expensive contest — Collis backed off.

Report card

Republicans have charged that Collis was assured in advance that if he ran for the equalization board instead of running against Davis, board member Reilly would step down and he (Collis) would get the pre-November appointment. But Collis swears it isn't true. Reilly's resignation and his own appointment to the board, he says, came "totally out of the blue."

In any case, Collis has been on the board for almost three years and the question is: How's he been doing so far? Friends contend that he is a politician of "substance" who works hard at his job and wants to help his constituents. Others contend that controversies involving him have raised questions about his motives and judgement.

And then there is the Fair Political Practices Commission, the state's campaign watchdog. After an investigation of Collis' fund-raising activities while he was wrestling with Davis for that West Los Angeles Assembly seat, the commission found Collis guilty on 16 counts of violating financial disclosure laws and fined him $12,000. In a settlement document signed for him by his attorneys, Collis stipulated that the FPPC accusations were true.

Essentially, the FPPC accused Collis of deliberately over-reporting campaign contributions. Over-reporting? Many people might think that candidates would prefer to under-report the amount of money they collect, thereby seeming to be more like the poor but honest citizens they represent. But in the real world, candidates tend to flaunt their campaign wealth, the better to drive off potential challengers. It's like a gorilla beating his chest in the jungle.

Most of Collis' problems stem from a report he filed with the state early in 1982, showing that he had $280,485 cash on-hand as of December 31, 1981. According to the FPPC, that was $145,000 more than Collis' campaign committee had in the bank on that date. Collis had got to that high amount largely by soliciting money from persons who then stopped payment on their checks. Nevertheless, Collis included that money in his financial report.

To explain Collis' action, the FPPC quoted Irving Azoff, who it identified as Collis' "figurehead" treasurer. "He (Collis) felt he needed to catch up with his fund raising if he was going to have a shot at getting endorsements from

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Berman. . . Yes, he did indicate absolutely, continuously, that he needed to present a strong financial position. 'Gray Davis has $300,000 . . . he's got a good shot. I've got to show Berman and all those guys that I can raise the money. And I want to help raise money for them, in addition to raising money for me; because my main claim to fame is that I'm a good fund raiser, because that's what I did for Alan (Cranston) and that's what makes me viable in the Democratic machine; I'm a fund raiser in Beverly Hills.'"

Collis told the FPPC that he said things like that, but said he did so to raise money from Azoff or to encourage Azoff toward raising money from others.

Although Collis' inflated financial statement had no effect on Gray Davis' determination to run for the Assembly, it helped influence another officeholder to get out of Collis' way. That was San Francisco Supervisor Quentin Kopp. Like Collis, he was a candidate in the 1982 Democratic primary for Reilly's equalization board seat, but he withdrew early in the race (though not early enough to get his name off the ballot). According to the FPPC, Kopp had several reasons for deciding to withdraw, one of which was that Collis appeared to have so much money. Kopp stated that this was a 10 to 15 percent factor in his decision to withdraw, the FPPC said.

BENNETT

In a statement issued when the FPPC report appeared, Collis conceded that he was trying to show "financial strength" at the time. But he also tried to excuse himself by suggesting that the worthless checks might have been honored later. He explained that the checks were given to him for an Assembly race which, of course, he never ran. Thus, he indicated, the donors merely had stopped payment while he was deciding what to do.

Conway Harris Collis was born January 28, 1948, in Chicago. His mother owned a company that made handbags — the kind with imitation sea shells, fruits and vegetables on the side. His father, a former vaudeville song-and-dance man, owned a dental-supply house. Young Conway went to school in Chicago but came west to Occidental College in Los Angeles, graduating in 1970.

Collis says he decided to enter politics when he was a student at Occidental. While there, he says, he worked at a school for delinquent boys and was impressed with the difference that a federally-funded therapist made in the boys' lives. "I realized that politicians allocated the funds that allowed the school to hire that person," he says. "Literally, from that day until this, I have never wanted to do anything but to be involved in politics."

Nor did he waste much time. While still a student at Occidental, he became involved in an unsuccessful attempt to recall Los Angeles City Councilman Art Snyder in a dispute over federal redevelopment funds. Later, when he applied to the Stanford University Law School, Collis wrote:

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BOARD OF EQUALIZATION

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First established in 1870, it is the nation's only tax board composed of constitutional officers elected to represent specific geographic districts. The state controller, now Ken Cory, is an ex-officio member who serves at-large. Although originally set up to oversee local property tax assessors, the board has been administering other tax programs since 1911. These include sales and use tax; gasoline tax; alcoholic beverage tax; cigarette tax; insurance tax; timber yield tax; hazardous waste substance tax; and so on. It also assesses property values for California's privately-owned utilities and for railroads.

Additionally, the board has a quasi-judicial function, hearing a wide range of appeals on decisions made by the Franchise Tax Board (personal income tax, banking and corporation taxes) and by local county assessors (land, water-rights, property-improvement assessments).

Headquartered in Sacramento, the board employs 2700 workers and operates 62 field offices throughout the state, plus offices in New York, Chicago and Houston to serve those who do business in California.

Besides Collis, board members include William Bennett (1st District), Ernest Dronenburg Jr. (3rd District), Richard Nevins (4th District) and Controller Cory.

"Initially, I plan to run for a state office, moving up to the national level as quickly as possible."

Collis lives now in Santa Monica with his wife, Margaret Henry, who is also an attorney. They have a one-year old son, Everett "Rocky" Collis, who was nicknamed after one of his father's favorite movie characters.

Collis is a small man (5'7", 150 lbs), who lifts weights, holds a black belt in karate and firmly believes in the overriding power of sheer determination. When asked about himself, he recalls that he was a second-string running back on his high school freshman football team when he decided to become a starter on the varsity the following year. Working diligently, he developed the strength and speed that then won him the starting spot. (He also played football at Occidental, he says.)

During his years on the board Collis has developed an activist style, describing himself as the taxpayers' ombudsman and holding open-house meetings in his district to hear taxpayer complaints. He also lobbies in the Legislature for legislation that he likes, such as a measure that would give tax breaks to employers for providing child care.

"He's a good board member, very conscientious, concerned about the individual," says a tax board staffer who asked not to be identified. "He gets very concerned when he perceives some inequity in the taxes."

But, says another staffer who also requested anonymity: "He does whatever is the politically best thing for Conway. He is a man on the make and is in a hurry to get there."

Collis' sharpest critic is Bennett, a former deputy attorney general, public utilities commissioner, consumer activist and unsuccessful candidate for higher office himself. Among other things, he contends that Collis is overly concerned about collecting campaign contributions.

Bennett, who accepts no contributions himself, sarcastically says that he admires Collis' "adeptness at promiscuous fund raising." Collis counters: "If you talk to Mr. Bennett, you ought to talk to my mother to provide appropriate balance."

A philosophical split may also be involved in the Bennett-Collis feud. Bennett is an outspoken liberal Democrat. Collis won't put a label on himself but notes that he tends to vote more often with the board's only Republican member, Ernest Dronenburg Jr. of San Diego. "I think we often have a similar perspective on issues," Collis says.

First clash

Bennett and Collis had their first public clash in 1983 when Collis called for a special audit of the San Francisco assessor's office, saying that an ear-

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lier board survey indicated that commercial property in the city was being under assessed. Collis' charge generated banner headlines in San Francisco and angered both Bennett and the city assessor, Sam Duca. Bennett declared there was nothing wrong in the city, and Duca said Collis was on a publicity hunt.

Nevertheless, the board conducted the special audit that Collis wanted, and it found nothing wrong. Collis said he thought the audit helped clear the air, but he also apologized to Duca, saying that he had not realized that his initial call for the audit would attract such heavy publicity.

Bennett and Collis also clashed in October 1983 when it became known that Collis was using his state office to raise money for Cranston's ultimately unsuccessful campaign for the presidency. In response to Bennett's charges of impropriety, Collis said he had continued to devote long hours to his state work and had reimbursed the state for fund-raising calls he made on state phones.

Collis and Bennett also have been on opposite sides in the two most highly-publicized cases to face the board in recent years — the so-called Irvine and Crystal Cathedral cases.

The Irvine case involved a proposed board rule sponsored by Dronenburg to shift the burden of proof in disputes between property-tax payers and county assessors. Under the then-current rule, the tax payer had to prove that his property was worth less than the assessor said. Under the Dronenburg proposal, the assessor would have to prove that it was worth more.

Opponents argued that the proposal would benefit the huge Irvine Company in Orange County, allowing it to avoid millions of dollars in local property-tax payments. And, it turned out, a former aide to Dronenburg who helped draft the proposal was a legal adviser to the Irvine firm. But Dronenburg denied that Irvine was involved and said his proposal was prompted by problems encountered by home owners in Riverside County.

Collis, who voted with Dronenburg and state Controller Ken Cory to enact the change, says that he was aware of Irvine's interest in the proposal but that no one from the company lobbied him on it. He says he has not received any campaign money from the firm and will not accept any.

Crystal Cathedral

In the Crystal Cathedral case, Collis voted with Dronenburg and Richard Nevins to reduce a back-taxes assessment against the huge Garden Grove church of television evangelist Robert Schuller. The $473,000 assessment resulted from what were said to be commercial activities at the Cathedral: concerts, a diet group, aerobic dancing, a ticket agency, an advertising agency, psychiatrists, a gift shop and a travel agency.

But in February 1984 the board approved a compromise that reduced the tax bill to about $165,000 and, Collis says, provided protection for smaller, poorer churches that occasionally engaged in fund-raising activities.

In addition to their differences over the Cathedral's tax reduction, Bennett and Collis also clashed over a related Bennett charge of impropriety. In this case it was Collis' acceptance in 1983 of a $2000 campaign contribution from 19 attorneys who worked for the law firm that was representing the Cathedral.

Collis says he has not taken money from Schuller or the Cathedral but sees nothing wrong with accepting money from the attorneys. (One gave $200; the rest $100 each.) "If judges take money from lawyers appearing before them, not only is it legal but that's how judges finance their campaigns," Collis says.

In general, Collis says he doesn't take money from taxpayers who appear before the board. But he's received about $9000 in donations since 1982 from privately-owned utilities whose properties are assessed by the board, thereby establishing what their tax bills will be.

Collis says the utility assessments are developed by staff aides, who do not know what contributions he and other board members receive. And, he says, "I think what I receive from utilities is about the same amount as other board members, except for Mr. Bennett, who doesn't accept contributions. I assume the reason I receive support from the utilities . . . is because I try to approach these things even-handedly."

Collis doesn't deny that political considerations sometimes go through his mind when he faces a board vote. But he adds, "I think that ultimately in politics those decisions that are best politically are those decisions that turn out to be correct and over the long run turn out to be in the public interest."

So what's ahead for Collis? He's often stated that his goal is a seat in the U.S. Senate, but whether he gets there will depend largely on what others think of him. "I am aggressive, and sometimes people are uncomfortable with that. But over time they get comfortable with me," Collis says.

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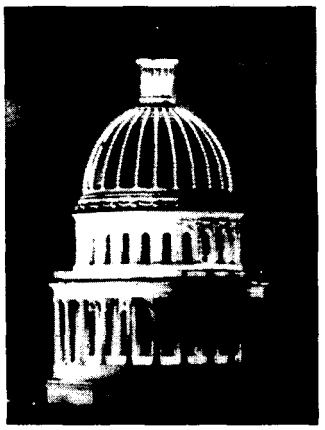

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Internal debate centers on need for new leadership

By LARRY LIEBERT

Walter Mondale's disastrous defeat in last year's presidential election jolted the national Democratic Party into a consensus about one thing — the need for a change in direction. Even Senator Edward Kennedy of Massachusetts, the quintessential New Deal liberal, has begun talking of rescuing the party from its image of subservience to its special interests and to bloated federal programs.

Here in California there is ferment within the state Democratic Party as well. It is being played out most dramatically in early maneuvering over who should head the ticket as the party's nominee for governor next year. Assuming that Los Angeles Mayor Tom Bradley chooses to run again for the governor's seat that he narrowly lost in 1982 to George Deukmejian, Bradley would be the clear favorite for the Democratic nomination. But he may face insurgent challenges from such candidates as state Senators Gary Hart and John Garamendi, who already are portraying themselves as "new faces" and Bradley as a California version of Mondale.

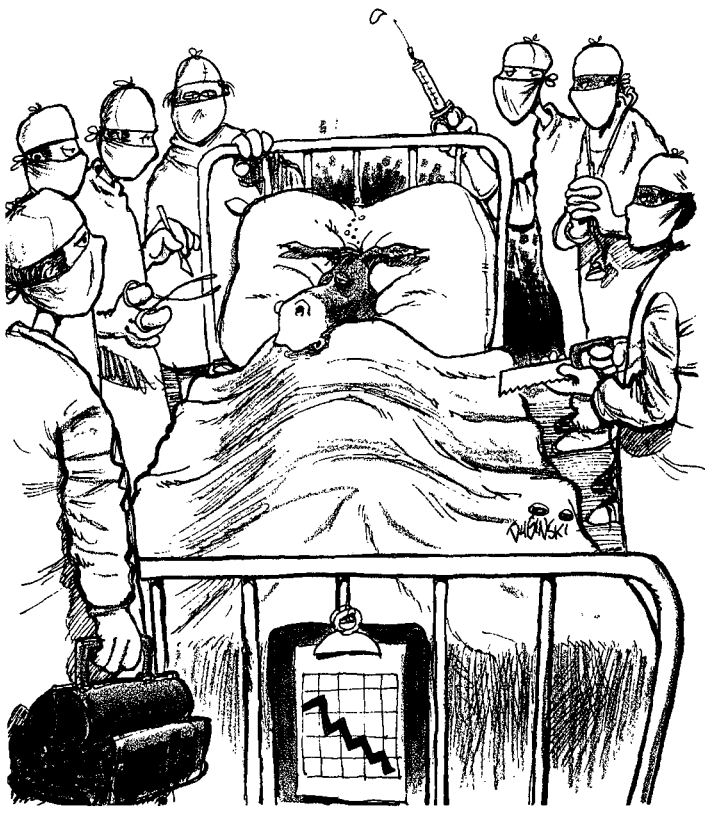
Not all California Democrats are willing to accept the need for fundamental change at the state level, much less agree on the direction it should take. The result thus far is a debate that is at once lively, fractious and inconclusive.

The first question faced by California Democrats is whether they have any cause for alarm. "The danger signs are stronger than the signs of health," insists Assemblyman Tom Hayden, the former campus radical who has become a leader among those prodding for change this year.

Fretful state Democrats note that Republicans registered more new voters than Democrats last year, a rare accomplishment. "That's an enormously significant omen," warns Clint Reilly, a San Francisco-based Democratic campaign manager. "In 1978 we had 57 percent Democratic registration in California. In 1984 it was 52 percent and heading down. By the next presidential election, we could be under 50 percent Democratic registration in California."

These alarmed Democrats tend to believe that the state party desperately needs "new faces" and new issues to win back the disaffected middle-class white voter and to win the allegiance of young voters who remain up for grabs. This wing of the party includes not only Hayden but also those who backed the "neoliberal" presidential candidacy of U.S. Senator Gary Hart of Colorado last year. Hart beat Mondale in the California presidential primary and his supporters are keeping their organization intact.

Former Governor Jerry Brown, although still proclaiming himself on hiatus from political campaigning, has lobbed a few of his typically provocative thoughts into the fray. Warning the Democrats that "we've screwed up," Brown told the state party's convention in January: "Too much of our rhetoric is empty, and the majority of people have stopped listening. We're a minority party. Let's not kid ourselves." Brown advised the Democrats to emphasize training for high technology and protection of the environment as a response to what he called "the smugness and the crackpot optimism" of Republicans.



Democratic pluses

On the other hand, some established Democratic leaders scoff at the talk of impending disaster. They note that Democrats control both houses of the Legislature, the state congressional delegation, one of two U.S. Senate seats and all statewide offices below that of governor. Rejecting the call for new leaders, Assembly Speaker Willie Brown says, "It would be a terrible mistake to do that. It would be suggesting that the lack of success in the party has been because the people who now lead it and managed to get elected have not done their jobs. That's just not accurate." Rather than change their basic message or their leading messengers, Brown said the Democrats simply must motivate "traditional-type Democrats" to turn out and vote for the party. He said that requires nuts-and-bolts improvements such as getting "modern communications techniques and making them work for us."

Larry Liebert is chief political correspondent for the San Francisco Chronicle.

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State Senate President Pro Tempore David Roberti is similarly impatient with the talk of "new faces" and stripped-down Democratic agendas. "One of the things that's wrong with the Democratic Party is the so-called neoliberal agenda," says Roberti. "It simply appears to be an appeal for change based on a repetition of certain incantations — 'high-tech, high-tech, high-tech.' If you say it often enough, it sounds like the person has an idea. They think they can con the public into thinking we're more Republican than the Republicans. I'm saying, don't abandon the principles of our party."

Despite such feuding, Democrats in California gradually seem to be reaching a consensus on some themes that could reinvigorate their party.

"Economic growth" is a phrase heard again and again in interviews with California Democrats of all factions. They would like to take the lead in promoting business development, a role that Republicans have dominated in the last few years. Many Democrats are talking of creating new incentives — ranging from tax breaks for entrepreneurs to state-sponsored research to promote high-tech industry.

"Education" is another key word to California Democrats. Many believe that improving schools for the state's youth will have the political side-effect of winning over middle-class parents and that improving the state's higher-education system will help California maintain its competitive edge in the national and international marketplace.

"Toxic waste" is also repeated like a mantra by Democrats asked to list their agenda items. As a political issue, tackling the state's growing crisis of chemical pollution has appeal not only to environmentalists but to average voters worried that poisons lurk in their water supply or beneath their backyards.

The problem with these themes, of course, is that they remain vague. Delivering on the promises they imply will not be easy. Furthermore, not one of these is an issue that the Republicans will willingly allow the Democrats to claim as their exclusive property.

But some Democrats are trying to be more specific. Hayden, who heads the left-leaning Campaign for Economic Democracy, drew attention at the state Democratic convention in January with his "Going West" position paper. It ticked off proposals ranging from requiring " 'public' representatives in the corporate boardroom" to fighting crime by putting more cops on the streets and by supporting "citizen crime-watch programs."

At the same gathering, Democratic activists caught a glimpse of a retailored Leo McCarthy. McCarthy — who intends to seek reelection for lieutenant governor next year, then run for the seat of Republican U.S. Senator Pete Wilson in 1988 — came off in the past as the very embodiment of a Mondale-style traditional Democrat. Now, McCarthy hands out buttons and posters with a new personal slogan — "Encouraging enterprise. Caring about people" — that seems designed to appeal to everyone from free-enterprise conservatives to welfare-state liberals.

"Repackaging sounds like soap. I really find that term offensive," McCarthy says when asked about his new approach. "I've not abandoned the controversial issues, but how in the hell should we expect conservative Democrats

The Democrats and their caucuses

Special interest caucuses within the party have become the stuff of bitter controversy for Democrats. Critics believe they are self-serving and limit the party's appeal to persons who don't share their interests. Supporters believe the caucuses are the very backbone of the party and guardians of its concern for those who might otherwise be powerless.

The California Democratic Party formally recognizes nine caucuses: Women, Blacks, Lesbians and Gays, Hispanics, Asians, the Disabled, Business-Professional, Environmental, and Labor. (The national party recently stripped all but three caucuses of official status: Blacks, Hispanics and Women.)

"They're still serving a real purpose in terms of working with the party," said Betty Smith, the current state Democratic chair. "I don't think the problem is as large as some people think." Nonetheless, Smith has set limits for the caucuses. When the Women's Caucus demanded that the party provide it a full-time staffer, Smith turned down the idea unless the women raise money themselves to pay the cost. They have yet to do so.

Some Democratic officials want to do away with the caucuses altogether. "If every Democrat who holds office has to jump through hoops, eventually you're going to start losing people," said Senate President Pro Tempore David Roberti, a liberal who has been condemned by the Women's Caucus for his opposition to abortion.

"I don't see why you need a separate caucus for every interest group to press its separate demands and force the Democratic Party into splintering," said Congressman Henry Waxman of Los Angeles.

But Carol Migden, a leader of the Lesbian and Gay Caucus, insisted that the caucuses "are the heart of the party. Removing them would be ruination of the party. Caucuses keep us in touch with the people and what the party is supposed to be."

If the caucuses tend to go their own way, she said, it is the fault of uninspiring party leaders who do not forge a broader vision. She also noted that some Democrats believe that the attacks on caucuses are "a smokescreen" for elimination of the gay caucus, the most controversial of them all and the one that most upsets some conservative Democrats.

Whatever the fate of the caucuses, some Democratic leaders believe the party machinery itself is all but irrelevant in a state where party organizations traditionally have been weak and where candidates and legislative leaders handle most of their own fund raising and campaign management. Assembly Speaker Willie Brown recently quipped that he will ignore Smith, as he does all state party chairs.

But Smith, a veteran party worker from Oakland, said she is creating a task force to investigate how the state party organization can increase its influence. She said that a pending court decision could greatly increase the clout of the state party by permitting it to endorse candidates in primary elections and "non-partisan" municipal elections.

Smith is derided by some Democratic insiders who think of her as a grassroots volunteer rather than a seasoned political strategist. But Smith already has surprised some Democrats with her pointed warnings that the party must move aggressively to win back middle-income suburban voters.

"We're in a tough spot," she said. "The Democratic Party doesn't have the luxury of fooling around anymore with a lot of lost causes. We really have to accomplish business."

— Larry Liebert

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to support us if we don't address the issues they care about? "If you establish enough common ground, they will tolerate some of the controversial issues," said McCarthy, whose liberal stands over the years have included opposition to the death penalty and to property-tax cutting of Proposition 13.

Bottleneck at the top

For some young and eager Democrats, however, no new slogan or retooled speech can give a new image to old-line Democrats like McCarthy. "There's this bottleneck at the top," said one young Democratic activist, complaining that people like McCarthy, Bradley, Secretary of State March Fong Eu and Controller Ken Cory were obstructions to a search for young blood and fresh faces.

This is the argument that some Democrats are using against making Bradley the party's nominee for governor next year. "Bradley shares some of Mondale's weaknesses as a candidate," said Congressman Henry Waxman, who heads the powerful Waxman-Berman political organization based on the west side of Los Angeles. "I think Deukmejian and Bradley are both pretty unexciting candidates. Someone like Gary K. Hart is the kind of fresh image that could spark a lot of interest. There's a potential of him doing what his namesake at the federal level almost succeeded in doing."

Gary "K." Hart is the state senator from Santa Barbara who has the good luck to share the name of the "new ideas" candidate who almost wrested last year's Democratic presidential nomination from Mondale. Now he is getting encouragement to run for governor from Waxman's organization.

"There is an interest group, liberal politics that I think Mondale and Bradley come out of," state Senator Hart says. "To have Tom Bradley — who headed the Mondale campaign (in California), who ran himself in 1982 — I think it adds up, particularly to younger voters, to a message that nothing has changed in the Democratic Party."

State Senator Garamendi, who also would like to run for governor, said that Bradley "represents the best part of the Democratic past. But he doesn't represent, at least at this point, the Democratic future."

Assembly Speaker Brown also has publicly expressed the sentiment that Bradley could drag down the entire Democratic ticket. His favorite candidate for governor is his hometown mayor, San Francisco's Dianne Feinstein. However, she has said she is unlikely to run.

Those close to Bradley rebut his attackers. They note that the Los Angeles mayor recently proved his continuing political vigor by winning re-election to City Hall by a landslide and by chalking up remarkably high ratings in statewide opinion polls. As one leading state Democrat put it, last year's successful summer Olympics in Los Angeles were a "mega-plus" that may have given Bradley an enduring advantage statewide.

Senator Roberti is careful not to take sides in the maneuvering over the governor's race — he has good relations with Bradley, while both Garamendi and Hart are members of his Senate Democratic caucus. But he believes the debate over fresh blood and new faces falls short of addressing the Democrats' most important concerns.

"The Democratic Party's real need is a cohesive agenda," Roberti said. "It isn't the need for a brilliant personality, although that would certainly help. I'm not disparaging those people who talk of new faces, but that is not our primary need."

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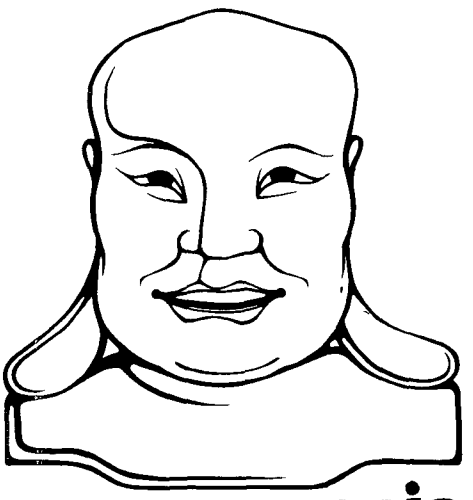

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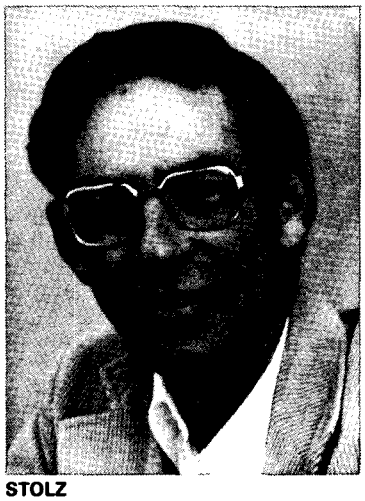
Judges should only be removed if incompetent or unethical

Editor's note: The popular vote on Chief Justice Rose Bird and four of her Supreme Court colleagues will not be held until November 1986. But the campaign to unseat her and at least two of the other justices — Cruz Reynoso and Joseph Grodin — is already under way. In response, the chief justice has retained a political consulting firm whose spokesmen are already talking of spending more than $1 million in her defense. In short, a rousing battle looms.

But what standards should voters use to assess the arguments that they will hear? Should justices be measured differently from others on the ballot? Herewith, the Journal *offers two opposing views. Jerome B. Falk Jr. is a practicing attorney in San Francisco and president of the Bar Association of San Francisco. Preble Stolz is a professor of law at Boalt Hall, UC Berkeley, and author of "Judging Judges," an analysis of the 1979 investigation into the state Supreme Court.*

FALK



STOLZ

By JEROME B. FALK JR.

The opponents of any Supreme Court justice might rightly ask: What could be wrong with defeating a justice whose decisions you dislike when it is the California Constitution itself that puts his or her name on the ballot?

To answer that question, one should start with the 1934 amendment to the state constitution that created the voting method we have now. In the early days of California, Supreme Court justices were elected in partisan, contested elections. Later the elections were made non-partisan, but Supreme Court justices continued to run in contested elections. The call for reform came from highly respectable quarters. In 1914 the Commonwealth Club in San Francisco recommended that the elective system be replaced by a system of appointed judges. Its recommendations were not immediately approved but gradually attracted additional supporters, including a State Bar committee and a citizens' committee with members from the California League of Women Voters, California Federation of Women's Clubs, American Legion, State Chamber of Commerce and various law enforcement officers and prosecutors. Ultimately, the concept was approved in 1934 with the adoption of Article VI, Section 16.

The 1934 amendment was described to the voters, in the official voter's pamphlet, as "free[ing judges] from political influence." The reform stopped short, however, of adopting the federal model of lifetime appointments for judges, with removal possible only for impeachable offenses ("high crimes and misdemeanors"). Rather, it retained a measure of voter control over the judiciary by the device of a reconfirmation election at which judges would appear without opposition, on a yes-or-no basis. Plainly, the intention of the proponents of this measure was to eliminate, so far as possible, "political influence" from the process while at the same time providing a greater check over the judiciary than the federal system offers.

This history, the entire structure of the California constitutional provisions relating to the selection and removal of appellate judges and the nature of the judiciary's role in our system of government all combine to define the limited role which the reconfirmation election should play. Justices are appointed in the first instance by the governor — a highly visible official whose appointments will inevitably be scrutinized by the electorate. Those appointments must be confirmed by the Commission on Judicial Qualifications. (An additional safeguard is the practice — now required by statute — of all governors to submit proposed nominees to a committee of the State Bar, whose disapproval of a nomination virtually insures its withdrawal or defeat by the commission.) Once appointed, judges who engage in misconduct or who become disabled are subject to discipline and even removal by the Commission on Judicial Performance — a body of laypersons, lawyers and judges whose efforts have resulted in the discipline, accelerated retirement and removal of a significant number of judges. To these checks on the judiciary the 1934 amendment adds the reconfirmation election.

Thus it is entirely appropriate to oppose a justice who is incompetent, disabled, unethical, lazy or just plain unwilling to perform the duties of the office. But given the screening procedures which apply to the process of initial appointments, and the Commission on Judicial Performance's power to discipline or remove errant judges, one would expect the occasions for such use of the reconfirmation election to be relatively infrequent. Nevertheless, the reconfirmation election is an available check on improper judicial behavior; and in appropriate cases its use cannot be criticized. However, efforts to defeat incumbent justices based on partisan considerations, or because of disagreements with particular decisions, is an entirely different matter. The reason why voters should regard the reconfirmation election as an opportunity to remove in-

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This election is a test of public confidence in the Court

By PREBLE STOLZ

"In our system of government," says Mr. Falk, "we replace the laws, not the judges, when a change in the law is desired." That's splendid rhetoric; it is also wrong. The initiative and referendum aside, we don't replace the law, we replace the people who make the laws. What makes Western democracies unique in human history is that we replace our lawmakers through elections rather than by heredity (monarchism), violent revolution (the traditional mode in banana republics) or a power struggle within a very small elite (the Kremlin). In the United States we give the people who make our laws very brief terms of office because we want government officials to remember who put them there.

But, says Falk, judges are different from other government officials, like legislators or governors. He is right if he is talking about federal judges because the U.S. Constitution gives federal judges life-tenure in office. Most people's understanding of the structure of our government comes from a rather hazy recollection of their eighth grade civics class when they were taught that the Founding Fathers gave life-tenure to judges to insure "the independence of the judiciary." There is no doubt what the drafters of the federal Constitution were worried about: undue influence of the executive over the judiciary. English history was on their minds; before the Glorious Revolution (1688), English judges had served at the pleasure of the crown and there had been plenty of examples of judges summarily removed from office because of decisions displeasing to the king. One of the stipulations that William and Mary agreed to in the Act of Settlement was that henceforward judges would hold office "during good behavior," the very phrase, repeated in the federal Constitution, that gives federal judges life-tenure.

It is hard to see how independence from the executive has much relevance to the position of California judges today. The people who wrote the California Constitution (and the same is true of the constitutions of nearly all states) did not follow the federal model and give judges life-tenure. That was not an inadvertent slip of the pen. They had seen federal judges and had come to believe that the federal Constitution was a bit too protective of the judges; not only were they free of interference from the executive — they were free from virtually any restraint beyond that which they might impose on themselves. The danger was that judges might be too independent, especially of the people whose laws they were ostensibly enforcing. Lest we forget, distrust to hatred of judges has a long and distinguished tradition in American history: Thomas Jefferson thought John Marshall a closet monarchist and tried to impeach him; Andrew Jackson openly scoffed at Marshall and his Court; and Abraham Lincoln despised the Dred Scott decision and flagrantly disobeyed writs from Chief Justice Taney. Teddy Roosevelt appointed Oliver Wendell Holmes Jr. to the U.S. Supreme Court, but said of him not long afterwards, "I could carve out of a banana a judge with more backbone." More recently (and, it is worth noticing, after California adopted our yes/no system for electing appellate judges), Franklin Roosevelt tried, unsuccessfully, to pack the Court to get a more favorable reception for New Deal legislation. And President Reagan is no friend of the school prayer and abortion decisions, as he has often told us.

Unfortunately, precisely how the drafters of the California Constitution expected the system of a term of years for judges to avoid the excesses of federal judges is not clear. They surely did not expect judges to follow the whims of public opinion; they wanted judges to be law-abiding, and they must have known that from time to time judges would be forced, if they were to follow the law, to come down with unpopular decisions that would irritate, even infuriate, political leaders and the public. They did do some things to protect the judges; for example, they provided for no reduction of pay during a judge's term of office and, most important, they gave judges what are, in America, very long terms of office — 12 years for appellate justices.

Another protection

Mr. Falk wants to add yet one more protection for the judges by telling voters that they should vote for an appellate justice up for re-election unless they believe the justice in question is "incompetent, disabled, unethical, lazy or just plain unwilling to perform the duties of the office." There are three things wrong with that very protective standard.

First, voters won't believe it because the ballot asks them the question, "Shall Justice X be elected for the term provided by law? Yes___ No___." And they will think they are supposed to answer it, not pretend that no one asked them. Falk's argument is very much like giving a child an allowance but then telling him that he may only spend it in the church collection plate. The argument is also likely to backfire against the justices, assuming anyone pays any attention to it. Grown-ups, like children, are apt to rebel by doing exactly what they are told not to do. This is so because no one likes being patronized, especially by lawyers.

Second, the standard Falk suggests would be much more plausible if the chief justice's detractors had succeeded in getting enough signatures on a petition to recall her. In that case, the voters would have answered the question: "Shall Rose Bird be recalled?" rather than "Shall Rose Bird be elected?" Stability of the system requires that officials duly qualified and holding office not be recalled before the completion of their term unless they have been guilty of some quite gross departure from the norm of official behavior. On the other hand, when officeholders have served their term and seek a renewal of their official status by reelection, the voters inevitably will think they are enti-

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STOLZ *continued from page 249*

tled to vote them out of office simply because they would prefer someone else and without any showing of wrongdoing by the incumbent. When President Reagan defeated President Carter no one suggested Carter was corrupt or guilty of anything more serious than error in his policy judgments. But unlike Carter, the justices on the ballot in 1986 will not have Reagan or anyone else running against them. As a practical matter, the absence of an opponent is a big boost towards reelection. Politicians know that it takes real effort to lose an election if the candidate is unopposed.

Finally, a justice who is "incompetent, disabled, unethical," etc., is supposed to be removed from office by the Commission on Judicial Performance, a body created by constitutional amendment in 1960 and charged to cleanse the judiciary of people unfit to hold office — but only after a full and fair trial in which the judge is entitled to defend himself — a system much to be preferred over a witch hunt before the electorate. If the people were to vote against justices only on grounds that would support their removal by the commission, one would have expected the 1960 proposal to have included repeal of the reelection system. It didn't, and no one suggested it.

Good sense

So what did the drafters of the California Constitution want or expect?

I think they were relying on the good sense of the people to understand the position of the judges. I think they trusted the voters not to vent transitory displeasure at a decision by throwing the judges out of office. Phrased differently, the drafters of the California Constitution can be assumed to have thought that public confidence in the courts was very important. They probably supposed that most of the time the people would have sufficient faith in their court system to reelect the judges when their names appeared infrequently on the ballot. But should that confidence be lost, the people would have the capacity to do something about it; not often and not quickly (it is unusual to have as many justices on the ballot as will be in 1986), but if needed a message could be sent.

For the first time in modern history Californians seem to be close to sending a message by refusing to reelect the justices, or some of them. Would defeat of one or more of the justices imperil the appropriate independence of the judiciary? It depends on how the message is interpreted. Read as an instruction to ride roughshod over the rights of the criminal accused, to find no error anywhere in any death sentence, in short, to do the popular thing heedless of law or precedent, the answer is clear: Yes, the independence of the judiciary is at stake. Is that the way the message will be understood? It seems unlikely. More plausible would be an inaugural speech by the new chief justice dedicating himself or herself to rebuilding confidence in the judiciary by establishing a record of scrupulous impartiality.

I have put what lawyers call a gloss on the California Constitution by postulating that the drafters' purpose in providing for election of judges was to advance public confidence in the judiciary. If that is a fair reading of the objective, it may help some voters. The issue then becomes: Have the people so far lost faith in the impartiality of any particular Supreme Court justice that it is time to start fresh? That certainly should not be done often, and never over any single decision however seemingly mistaken. But to borrow a phrase from the Declaration of Independence, "when a long train of abuses and usurpations" confronts them, the people have a right (the Declaration of Independence says "duty" as well) to vote against the justices they think responsible.

Are we there, have we reached that point? That is what I believe conscientious voters ought to be thinking about. No doubt neither side in the coming campaigns will focus on that as the issue, but behind the simplistic slogans and hyperbolic rhetoric there will be a few voices trying to discuss the election of the justices in something other than Chicken Little terms. We can hope that editorial writers and other opinion leaders, especially lawyers, will listen carefully.

FALK *continued from page 248*

competent or unethical judges, and not as a referendum on their decisions, rests upon a fundamental difference between the role of the judicial branch as compared to the executive and legislative branches of government.

Purpose for an election

Candidates for legislative or executive office in contested elections are expected to campaign by demonstrating that they will conduct themselves in office in a manner which most represents the interests and desires of voters. Thus we expect that, once elected, those officials will reflect popular will; if they do not, they risk defeat at the next election. The process of electing governors and legislators is a check on elected officials and a means of insuring that their conduct in office will reflect the will of the people.

The difference between such elections and judicial elections necessarily must reflect the difference between the function of legislators and governors, on the one hand, and the role of the judiciary in our system of government. A judge does not "represent" anybody, and is not expected to decide cases on the basis of which decision would be popular with the electorate. That is most obvious, of course, when a court is called upon to pass upon the constitutionality of a law. Our legal tradition for the nearly 200 years since *Marbury v. Madison* has required the courts to interpret and apply the constitution, and to declare acts of the legislative and executive branches unconstitutional, even if the result is unpopular when measured against the public sentiment of the moment.

If confirmation elections are conducted as if they are a referendum on the merits of particular decisions of the courts, or whether a sufficiently high percentage of convictions have been affirmed, or enough death penalty judgments carried out, or whether a decision in favor of an injured worker, a consumer, or a regulatory body is "anti-business," then we will ultimately have judges who decide cases on the basis of their potential popular acceptance, rather than on the actual merits. Though few of the Court's opponents will acknowledge that this kind of "Gallup Poll justice" is what they seek, that is the inevitable consequence of political campaigns to eliminate judges who render decisions adverse to powerful special-interest groups.

Indeed, the governor's recent statement that 31 of the Court's decisions are "anti-business" moves the debate beyond those decisions of the Court that are merely "controversial" into the realm of special-interest politics. This newest argument against the Court is based solely upon disagreement with the result, without regard to whether it was legally correct. That approach invites similar support or opposition by other special-interest organizations representing the interests of investment bankers, consumers, government employees, insurers, the handicapped, local governments, lawyers, doctors and the numerous other special-interest groups whose lobbyists prowl the Legislature and, at election time, reward those

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whose votes support their causes with campaign contributions.

Preservation of a judiciary which decides each case on the evidence and the law, as the judges conscientiously interpret it, is fundamental to our system of justice. That does not mean that every decision of the courts will be wise; and it will surely be the case that, from time to time, a decision will be unpopular with the public. But the duty of a court is to decide each case in accordance with the statutes and constitution as they exist at the time, even if that result is not "popular." The ultimate democratic check on the courts is the power of the people to alter court decisions by revision of the statute or constitutional provision on which they are based. In our system of government, we replace the laws, not the judges, when a change in the law is desired.

Critics of the Supreme Court assert that the justices have invited ballot opposition by deciding cases with a political impact, such as those dealing with reapportionment and those with substantial public policy implications such as the decision to strike the balanced budget initiative from the ballot. This argument is unfair and reflects a fundamental misunderstanding of the Court's role in such controversies.

The Court is a court

The Supreme Court is, above all, a court — that is, its job is to decide cases which litigants bring to it. For a long while, courts all over the country have been compelled by litigants to grapple with controversial subjects which the political branches of government have not resolved to everyone's satisfaction. The very nature of those cases is that, however the Court rules, someone will be profoundly unhappy. There is no escape from the law of averages here: 50 percent of the litigants before the Supreme Court lose their cases.

But when courts are asked to decide such cases, the issue is examined in a quite different manner than it would be in a legislative forum. For example, when the issue of a federal constitutional convention on an amendment to require a balanced budget came before the California Legislature (where it was rejected), the issue was whether such an amendment would be desirable. But that was not the issue before the Supreme Court, which decided only that under the provisions of the federal and state constitutions, proposals for federal constitutional conventions must be approved by the state Legislature, not by direct action of the voters. That was a technical question of law about which reasonable people could disagree (though in the Court's defense it should be noted that its ruling was in accordance with prior U.S. Supreme Court decisions and has since been adhered to by court rulings in other states). The charge that it was a "political" decision is, however, quite wrong: The issue of whether a particular procedure is available to amend the U.S. Constitution is uniquely an issue of law which the courts are expected to resolve. In doing just that, the Court did not address the controversy over whether a constitutional convention should be called, or even the wisdom of the federal constitutional requirement that such conventions be called by a vote of state legislators rather than a direct vote of the citizenry.

Elsewhere in these pages, Preble Stolz purports to take issue with my view that it is a misuse of the retention election process to target justices for defeat who are competent and ethical, merely because of disagreement with the outcome of particular cases or for partisan political reasons. But he ends up at much the same place, advocating removal of justices "when a long train of abuses and usurpations" has been demonstrated.

Unfortunately, Stolz does not tell us how to determine whether there has been judicial "abuse." It is not particularly helpful to talk, as he does, of whether the public has "lost faith" in the judges, because that could occur either because of genuine "abuse" or because of a series of effective but unprincipled attacks. I would have hoped that he would attempt to help distinguish "abuse" from legitimate judicial conduct. He does not. Stolz leaves us with even less than the "I know it when I see it." standard.

Stolz also fails to grasp the danger that savage election tactics will, over time, damage the judiciary's ability to function in an impartial manner. Does Stolz really think that the defeat of three or four justices would not send a powerful message to judges at every level of the system? His ostrich-like answer is that this problem could be solved by a speech by a new chief justice. That would hardly assure judges that they will be just fine even if they continue to decide cases on the merits without regard to the popularity of their decision.

One need not agree with all, most or even many of the decisions of the California Supreme Court to be disturbed by the campaign now being planned against the justices who will appear on the ballot in November 1986. The managers of the several campaigns against the Court are threatening more than the current employment of four justices whose decisions they profess to dislike. They also threaten the rightly-honored tradition of a judicial system which functions in an impartial, non-partisan manner. Honest justice which does not yield to the passions of the moment, to the demands of politicians, or the pressures of special-interest groups may on occasion be frustrating or inconvenient, but one would be hard-pressed to name another country's legal system which would be preferable. It is worth reflecting on what we stand to lose if the current attacks on the Supreme Court succeed.

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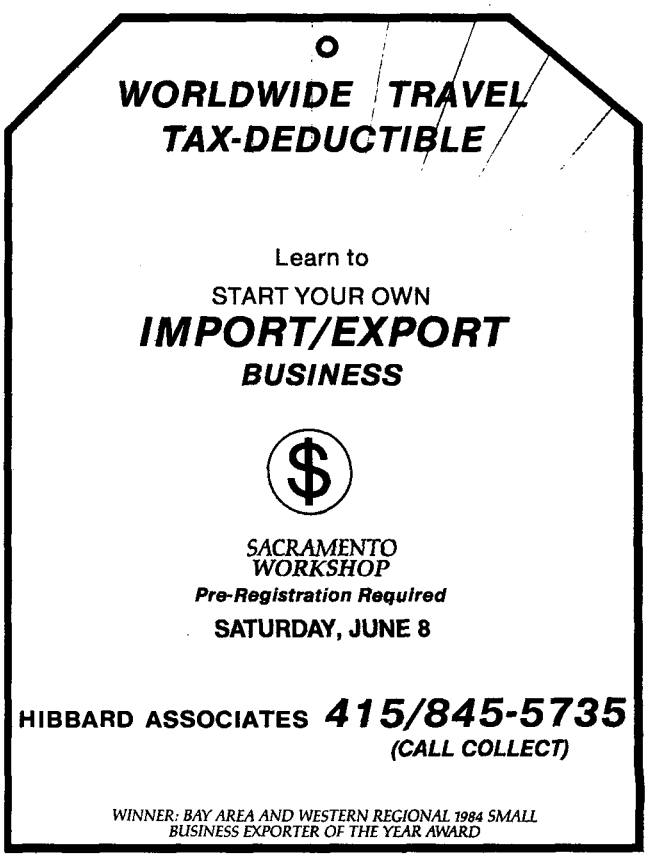

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Secure in his job, Nielsen aims for majority control

By VIC POLLARD

The cloud of doubt under which Jim Nielsen became Senate Republican leader nearly two years ago has all but dissipated. It's been replaced by a rosy glow of confidence as he and other members of the Senate's GOP minority look ahead to the 1986 elections and dream of capturing majority control.

When he assumed the leadership post in June 1983, Nielsen was relatively unknown. Representing a farm district in the Sacramento Valley, he was repeatedly asked whether he was his own man. Was he really independent of Senator H.L. (Bill) Richardson, the powerful New Right fund raiser who engineered the coup that ousted Nielsen's predecessor, William Campbell, and installed Nielsen in his place (see "Jim Nielsen," *CJ*, November 1983)?

Nielsen has not dispelled all doubts, but the question seldom comes up any more. For one thing, because he's been on the job nearly two years now, Democrats and Republicans alike have gotten used to working with him. More significantly, Nielsen has led the 15-member Republican caucus through two events that are guaranteed to test any legislative leader: a state budget cycle and an election year. Nielsen and his right-hand man, Caucus Chairman John Seymour of Anaheim, appear to have passed both tests with flying colors. The budget got through without trouble last year, and Senate Republicans picked up a seat (from independent Ray Johnson) in last fall's elections. Secure in their jobs, the GOP leaders are now making ambitious plans to become the majority party in the Legislature's upper house within the next four years. "We're committed to do that," Nielsen says.

That's the kind of thing Republicans have been saying for the last quarter century in California. However, as the 1986 elections approach, they say

there is a real possibility now. It won't be easy. The GOP would need a near miracle in 1986 to pick up the six seats needed. (The Senate is now dominated 25-15 by Democrats.) However, over the next two elections, they say, it could be done. And with a majority, of course, would come the ability to shape legislation and to control the next reapportionment in 1991 (that's if Democrats and Republicans don't create an independent reapportionment commission before then).

"We haven't targeted any seats as yet," Nielsen said in a recent interview, "but it does appear that four to six seats are a real possibility." Nielsen's staff director, Jim Branham, is even more optimistic. He says that "on paper" there are nine or 10 districts that Republicans could win next year if they get the right breaks.

Why the optimism? Republicans believe the conservative swing evidenced in the 1984 presidential election will continue. They are further buoyed by the fact that Governor Deukmejian will be running for reelection and is considered almost a shoo-in.

Key factor

But the key factor for Senate Republicans is the number of opportunities. Of the 20 Senate seats up in 1986, 16 are held by Democrats and just four by Republicans.

"That gives us extraordinary exposure," concedes the new Democratic Senate floor leader, Barry Keene of Benicia.

Much will depend on what incumbents decide to do. Several districts are becoming more conservative and more Republican, especially with the GOP's heavy voter-registration drive last year; but they are not likely to dump an entrenched Democratic incumbent. Republicans are hoping that some of the incumbents decide to retire, run for another office or become weakened by the growing scandal surrounding fireworks king W. Patrick Moriarty.

Among the seats that could be difficult for the Democrats to hold onto without an incumbent running, strategists in both parties say, are those held by Walter Stiern of Bakersfield, Robert Presley of Riverside, Ruben Ayala of San Bernardino, Dan McCorquodale of San Jose, Wadie Deddeh of Chula Vista and Gary Hart of Santa Barbara. Hart is toying with a run for governor and Presley has shown interest in a congressional seat. And four of the incumbents — Stiern, Ayala, Deddeh and Presley — are all over 60.

A wild card in the game is the Moriarty money-and-sex scandal. At least one Democratic senator, Dan Boatwright of Concord, has been mentioned prominently as having financial ties to Moriarty, who pleaded guilty to political corruption charges and promised to cooperate with investigators who want to know about his relationships with politicians.

Because of their exposure, Democrats are expected to run largely a defensive operation next year, hoping to hold on to what they have. At least three of the four GOP incumbents up in 1986 are considered secure — Bill Craven of Oceanside, Ed Royce of Anaheim and Ken Maddy of Fresno.

However, Democrats say they may go after Nielsen himself, who will be running in a 50 percent Democratic district. He will also have to establish a new residence because his Woodland home was reapportioned out of his district in 1982. But there may be more than pragmatic considerations involved if Democrats decide to target Nielsen.

Vic Pollard is Capitol bureau chief for Gannett newspapers.

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Senate Democratic Caucus Chairman Paul Carpenter of Cypress and other Democratic leaders are furious at Nielsen because he helped in a last-minute, high-spending campaign blitz against Carpenter in last year's election. The GOP leaders spent nearly $150,000 during the last two weeks of the campaign on computerized mailers that portrayed Carpenter — falsely, he says — as being opposed to the death penalty and in support of pornography. Carpenter won his race against Republican Margaret Vineyard, but just barely.

Nielsen's aide, Branham, says Democrats also may go after Nielsen to keep him busy at home campaigning for his own re-election, thus reducing the time he has to travel around the state helping other candidates. Democrats tried a similar strategy in 1984 against Richardson, providing major financial and political help to his Democratic opponent. It didn't work, of course; Richardson is still in the Senate and is probably regarded by Democrats as more of a threat to them than Nielsen ever may be.

Democrats are convinced that Richardson, who has his own computerized mailing business and a highly successful fund-raising operation among gun-owners and other conservatives, is the Machiavellian manipulator who calls all the shots in the Senate Republican Caucus. For instance, as Carpenter reviews the last-minute campaign that was waged against him last fall with its allegedly false mailers, he declares: "It was pure Richardson. 'Despicable' would be too kind a word."

The Carpenter-Richardson feud became bizarre in March after Carpenter told a reporter and said again on the Senate floor that Richardson is one of the lawmakers identified by investigators as being involved with Moriarty-supplied prostitutes.

Richardson vehemently denied involvement in what he called the "scuzzy' affair and demanded an apology. Carpenter refused to apologize immediately, pending the outcome of the investigation, and offered to punch it out with Richardson if he so desired.

Power center

To the outsider, it is clear that Richardson has developed a power center of his own in Republican politics, unanswerable to the party or anyone else. But he uses it widely on the state and national level on races and ballot issues that have nothing to do with the Senate, and his precise role in legislative politics is difficult to determine.

Nielsen insists that the conventional view of Richardson's influence is vastly overblown. Nielsen says he and Seymour jointly make decisions on which campaigns to target and how much money to budget for them, although they do consult with Richardson regularly.

And as for money, "We used very little of Bill Richardson's money in our campaigns last year," Nielsen says. "In fact, I asked him several times if he needed any help from us (in his own reelection campaign)." Nielsen cites disclosure reports showing, for example, that direct help from Richardson in Senator John Doolittle's tough reelection battle against independent Ray Johnson last fall was limited to a $5000 donation to the unknown Democrat in that race.

However, that contribution is often credited with allowing the Democrat to advertise just enough to draw enough votes away from Johnson to give Doolittle a narrow victory. Richardson doesn't disagree. "Never has so little money done so much good," he gloats.

By contrast, political-action committees controlled by the Senate lead-

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ership as a whole poured at least $190,500 into Doolittle's campaign, which cost nearly $850,000 in all. Another $20,000 came from the Free Market PAC, which was founded by Richardson but which he says was turned over to Assembly Republicans a few years ago.

Signs of an ideological dictatorship by Richardson or anyone else within the Senate Republican Caucus are hard to find. The caucus elected Doolittle to a vacant seat on the powerful Senate Rules Committee last December, even though both Richardson and Nielsen supported Senator Jim Ellis of San Diego.

The relationship between Richardson, Nielsen and Seymour remains ambiguous mainly because of the unusual structure of the Senate GOP leadership organization. When Nielsen and Seymour were elected leaders in late June of 1983, Senate Republicans also created an unheard-of "board of directors" to oversee the leadership operations.

Renamed the "executive group," the board is composed of Nielsen, Seymour, Richardson, Caucus Whip Marian Bergeson and the two GOP members of the Senate Rules Committee — Doolittle and Craven. It meets only occasionally when a problem arises, Richardson says. For example, he said, a meeting was called recently to iron out a misunderstanding about how much of the caucus' donation to a GOP senator's campaign had to be repaid as a loan.

Nielsen insists the executive group fits in with his "management style" of leadership, which calls for frequent, formal, structured meetings to foster constant communication among Senate Republicans. The chief complaint against the former leadership group headed by Campbell and Ken Maddy of Fresno was their style. They were criticized for making decisions on their own about political positions and campaign strategy and then informing the caucus later. Nielsen's chief promise in his campaign for the minority leadership post was to consult with the caucus members on everything, and it seems to be working so far.

"This is much more of a democratic leadership," says Senator Ed Davis of Los Angeles. "Maddy and Campbell pretty much did what they wanted and then counted the votes. Nielsen tries to please."

Nielsen says his style is to make sure that he is leading the caucus "generally in the direction where it wants to go. As a leader, you can get too far out in front and look around and the caucus isn't behind you."

It's clear that there are no significant tensions within the caucus now, and there seems to be no challenger trying to trip Nielsen and take his place. One reason may be that most of the potential stars within the caucus are occupied with other things. Davis and former Minority Leader Campbell are both angling for a U.S. Senate nomination. Maddy has indicated an interest in the lieutenant governor's office.

If there's a potential challenger in the wings, most observers agree, it may be the young, talented and ambitious caucus chairman — Seymour. There was a flurry of rumors last year that Seymour was mounting a bid for the job, but Nielsen said Seymour repeatedly came to him with assurances they were not true. A genuine "bond of trust" exists between the two men, Nielsen says.

That kind of upbeat confidence is typical of Nielsen as he gears up for another budget debate and another election season. He gives every appearance of a man at peace with his role as head of a leadership team that is big enough to have a more-or-less permanent identity crisis.

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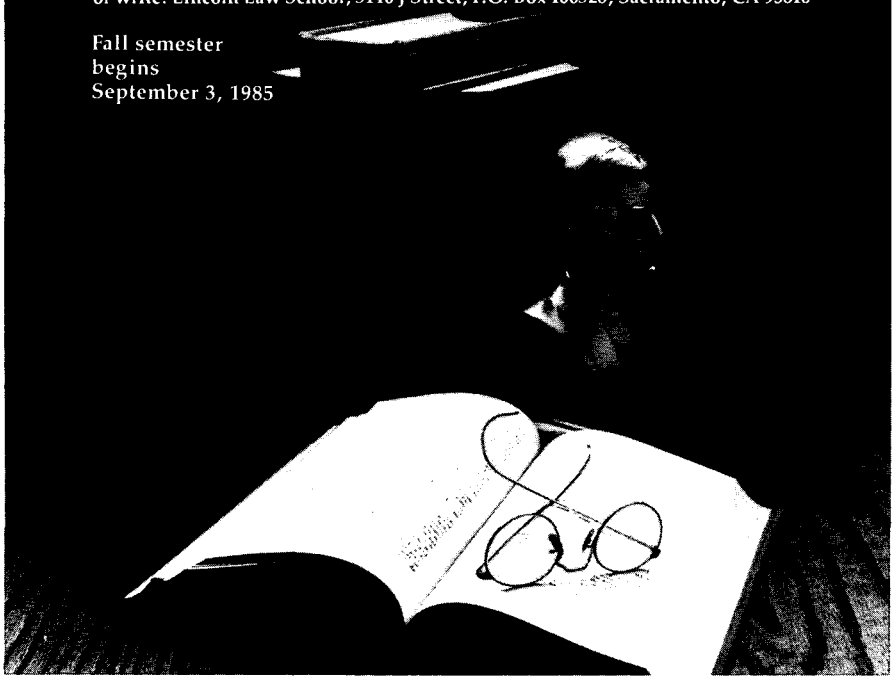

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ROSTRUM

What is "elderly?"

The person in your "Up Front" section for May who described a 60-year-old man as "elderly" is elderly in the mind, if not in chronological years. As a 60-year-old man, I resent being categorized as elderly. In this day when many people live to 100 and beyond, for a writer to call a 60-year-old person "elderly" displays a decided infantile maturity. Perhaps, I should challenge this character to go bicycle riding with me to see who is the more appropriately "elderly."

DONALD E. ASH
Lake Elsinore

Water

In "Breaking the Faith", (*CJ*, May 1985), the author states that the average family of four would only use an acre-foot of water in a year. This is true, as far as it goes. But besides domestic use (flushing toilets, watering lawns, showers and dish-washing), one must consider food. To grow that same family's food for a year, more than 20 acre-feet are required. Thus the urban family unknowingly has a greater dependence upon the farmer and what he is charged for "his" water.

BILL TRACY
Buttonwillow

San Diego's bar

Regarding Lionel Van Deerlin's article in your May (1985) issue about San Diego's ban on write-in votes. It's considered alarmist to worry about the state of free elections in California, but we do need to worry that the right of the people to choose public officials can be eroded. A state Court of Appeals decision upholding San Diego's ban on write-in votes was an ominous note. That court said, "Of course, the San Diego ordinance at issue does not directly restrict anyone's right to vote." Judges are supposed to be the protectors of our fundamental rights, and when a panel of judges can't see that the right to vote implicity includes the right of choice for whom to vote, I think we should be worried. I applaud the state Supreme Court for reviewing this bad decision, and I hope they reverse it.

RICHARD WINGER
San Francisco

Career politicians

The May 1985 "Capitol Review" correctly points out that the Legislature is populated with career politicians who are extremely interested in perpetuating themselves in office. I believe you used the term "job security." Naturally, because of the escalating costs of campaigns, they need greater and greater amounts of campaign contributions to be re-elected. So, they rely on "special interests" to supply vast sums for campaign purposes. As a solution, you propose "campaign-finance reform." In the eyes of some, that term is a euphemism for the use of tax funds for political campaigns.

I have a better solution to the problem. We don't need "professional," "career" or "full-time" legislators. In order to do away with them, we should return to a part-time Legislature (pre-Proposition 1A-1966) and, in addition, restrict tenure in the Senate and Assembly to eight years. As a result, taxpayers would save millions in salaries, costs of staff, rental of field offices, etc. Naturally, there would be no need for a legislative pension system.

JOHN M. HANLEY
Sunnyvale

Kesterson and the governor

I had to laugh at Steven Merksamer's letter of righteous indignation in the April *Journal*, defending Governor Deukmejian from criticism for his lack of leadership regarding Kesterson Reservoir. County boards of supervisors are also independent, quasi-judicial bodies, yet the governor seems to have no qualms about trying to influence their decisions. The governor has recently acknowledged that he personally called Santa Barbara County Supervisor Robert Kallman to "discuss" a large Hyatt Hotel/Conference Center planned for the coast west of Santa Barbara while the project was pending before the board. Mr. Kallman subsequently became the swing vote in approving the Hyatt project, much to the dismay of the majority of Goleta Valley citizens. This outrageous interference in local government matters was couched in terms of the governor's interest in promoting "tourism." What can we infer by his lack of interest in cleaning up the mess at Kesterson? What kind of "interest" will the governor have in promoting this Hyatt project before the California Coastal Commission? The governor has displayed a selective hands-on, hands-off policy.

WILLIAM B. WALLACE
Third District supervisor
Santa Barbara County

PSS

We truly appreciate the Public Service Skills story in the April 1985 issue. The story will help attract qualified and retired or semi-retired professionals for our list and also help spread the word to other public officials about PSS services. I was personally embarrassed, however, by being described as the founder. Ken Smith was the creator, driving force and founder of PSS which had been providing qualified professionals for almost two years before his untimely death. A number of us simply assisted in Ken's endeavors and became members of his board of directors.

RICHARD CARPENTER
League of California Cities
Sacramento

Senior Legislature

In the April 1985 issue of the *Journal* you carried an article that gave full credit to the mock Senior Legislature as the main push in lobbying for 3.5 million senior citizens in California. That was poppycock. The activities of the late George McLain and his California League of Senior Citizens, a dues paying organization with some 50,000 members and a state radio network, played a great role in getting state legislation for seniors. And crediting the Senior Legislature and its parent, the California Council on Aging, for all of the gains made in the Legislature is pure imagination. The story ignores the immense role played by the retired members of labor organizations and their affiliation with the National Council of Senior Citizens and its state affiliate, the Congress of California Seniors.

JAMES DeWITT
Protective Council of Senior Californians
Long Beach

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SEE HOW THEY SOUND

By JERRY JEFFE

How do some of California's top politicians come across on television? There are probably as many answers as there are viewers who have seen George Deukmejian, Alan Cranston, et al, on the tube. But some viewers may be better informed than others, and what follows are key answers from three persons who should be informed. They are Bert Decker of Decker Communications, a film producer and political media consultant; Lillian Glass, PhD, a speech pathologist and adjunct professor of communications at USC; and Marde Gregory, a speech professor at UCLA who has analyzed political debates for the Associated Press and *Los Angeles Herald-Examiner*. The only statewide office-holders not covered by this admittedly unscientific survey are state Controller Ken Cory and Bill Honig, state superintendent of public instruction. The panelists said they had not yet seen enough of them to form impressions.

George Deukmejian, governor:

"Solid . . . focused . . . pacing wonderful . . . credible . . . good voice

pitch but monotone with little energy . . . inhibited physical gestures . . . seems uncomfortable . . . projects great sincerity . . . makes listener think of a humble man . . . no power in rhetoric . . . not a lot of language style."

Alan Cranston, U.S. senator:

"Articulate on issues but lacks personal style . . . intelligent but sounds dull and unexcited . . . projects sincerity and thoughtfulness . . . little physical energy or animation . . . humorless."

Pete Wilson, U.S. senator:

"Bland . . . low energy . . . little enthusiasm . . . only a bit more dynamic than George Deukmejian . . . subtle humor."

Willie Brown, speaker of the Assembly:

"Dynamic and exciting . . . energetic and animated . . . reflects an in-

credible intellect and projects lots of flair . . . not a particularly powerful or exciting voice and his gestures are not terribly controlled . . . uses gestures too broadly and frequently, but it works for him."

David Roberti, president pro tempore of the Senate:

"Plodding . . . not much energy . . . talks to audience as a group rather

than as individuals . . . excitable but not exciting . . . speaks too quickly and does not focus on audience's needs."

Leo McCarthy, lieutenant governor:

"Thoughtful . . . develops strong arguments . . . sincere . . . seems uncomfortable . . . fundamental."

John Van de Kamp, attorney general:

"Expressive as a communicator . . . well-modulated voice . . . tends to be hesitant and stiff . . . good voice potential but needs to loosen up."

Jesse Unruh, state treasurer:

"Classic, pre-television politician . . . voice, a bit of a monotone, is full of character and flavor . . . language wonderfully descriptive and down-to-earth . . . fun to listen to although the message contains a bit too much politics."

March Fong Eu, secretary of state:

"Light . . . good energy of movement but voice is clipped, high-pitched and a monotone . . . little force . . . seems distant . . . needs to slow down . . . extremely stiff . . . enormous feeling of competence."

Tom Bradley, mayor of Los Angeles:

"Articulate . . . beautiful diction . . . incredible sincerity . . . voice too

soft and projects no real strength . . . monotone . . . voice has no cutting edge and as such is bored-sounding."

Dianne Feinstein, mayor of San Francisco:

"Dynamic . . . solid . . . pleasant to listen to . . . although a monotone, her

voice is strong and expressive . . . good spontaneity . . . connects directly with the listener . . . emphasizes phrases . . . has style and wit."

Jerry Jeffe is a newspaper columnist in Inglewood who writes on state and local government affairs.

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(A review of top stories during the past 30 days)

TAX AMNESTY NETS $144 MILLION

(April 17th): — State tax officials announced that California's tax-amnesty program netted the state $144 million, with more yet to be counted. That makes California's program the most successful in U.S. history and nearly doubles predictions made when collections began in January. Amnesty, which officially ended March 15th, was a one-time chance for tax-cheaters to file delinquent returns without penalties or prosecution. Over 152,000 responded.

APPELLATE COURT NOMINEE ON HOLD

(April 22nd): For the first time, a Deukmejian court nominee failed to win confirmation from the Commission on Judicial Appointments. Fifteen previous Deukmejian appointees had been approved, but appellate court nominee Frank Creede of Fresno was accused of signing affidavits that he had no cases pending for more than 90 days when in fact as many as 42 were overdue. The state constitution requires that judges sign such affidavits before being paid. The investigation will be made by the Commission on Judicial Performance.

GOVERNOR HONORS VICTIMS

(April 24th): In an emotional appearance before a Capitol press conference, Governor George Deukmejian declared April 24th as a day to honor victims of genocide and called upon President Ronald Reagan to drop his opposition to a congressional resolution in memory of 1.5 million Armenians slain by Turks in 1915. Deukmejian, whose aunt died in the massacre, told reporters that had the world paid attention to the fate of Armenians, the genocide of Jews by Nazi Germany may never have occurred. The governor said that Americans have a duty to speak out against atrocities, including apartheid in South Africa.

NEW COLLEGE CHIEF NAMED

(April 25th): The educator who helped revitalize a Manhattan college was named chancellor of California's community college system by the system's board of governors. Joshua L. Smith, 50, took over the Borough of Manhattan Community College in 1977 when the tuition-free school was in debt. Five years later it was financially sound, had a new campus and a growing enrollment. Smith, also chairman of the American Association of Community and Junior Colleges, replaces Gerald Hayward, who is retiring.

KESTERSON CLEAN-UP REQUEST

(April 26th): Although the U.S. Department of Interior wanted $115 million, the federal Office of Management and Budget convinced the Reagan administration to request only $12.6 million to begin the clean-up of the contaminated Kesterson Wildlife Refuge. A congressional spokesman characterized the Reagan request as a weak commitment to the clean-up effort.

LAWMAKERS PAID WELL TO SPEAK

(April 27th): California state legislators earned more than $350,000 in honoraria for giving speeches to political action groups, trade associations, corporations and others in 1984, according to a report issued by the Fair Political Practices Commission. Assembly Speaker Willie Brown led the way with $56,450. GOP Senator William Campbell topped the Senate with $29,150. The health industry was most generous, paying $108,366 in speaking fees — more than twice that paid by any other special-interest group.

GUILTY PLEA IN MORIARTY CASE

(April 30th): A former official of the California Canadian Bank — Floyd A. Walden — pleaded guilty to taking $230,000 in kickbacks from beleaguered Orange County fireworks tycoon W. Patrick Moriarty, then failing to report the money on his income-tax returns. Moriarty himself pleaded guilty recently to charges of mail fraud and is now cooperating with a federal grand jury investigation of politicians and others involved in his schemes.

DA'S ATTACK ROSE BIRD

(May 1st): According to a report issued by the California District Attorneys Association, Chief Justice Rose Bird and two fellow justices of the state Supreme Court have waged "a continuous attack on the death penalty." Named along with Bird were Justices Cruz Reynoso and Joseph Grodin. All three are up for confirmation to the high Court in November 1986. The report also accused Bird and her colleagues of bias in favor of criminals. The association recommends that Bird, Grodin and Reynoso be defeated, making them the first justices to face organized opposition from the DA's group.

HAYDEN CALLED A "TRAITOR"

(May 2nd): Assemblyman Tom Hayden's activity as a 1960s war protestor found its way into a debate on the Assembly floor. The debate involved language in a resolution commemorating those who served in Vietnam. It was authored by GOP Assemblyman Gil Ferguson, a retired Marine Corps colonel who did three tours of duty in Vietnam. The resolution passed 52-0 but only after an emotional confrontation between Ferguson and Hayden over whether Vietnam was a "noble" war. Addressing Hayden, Ferguson said "never ever will we be able to forgive the traitors." Hayden responded by calling Vietnam an American tragedy.

STATE REAPS TAX BONANZA

(May 10th): The Department of Finance released its May revision revenue report, showing that the state had banked $433 million more than anticipated for fiscal 1984-85. The bonanza resulted from an unexpected surge in personal income-tax receipts. Although lawmakers began compiling a laundry list of proposed new expenditures, Governor Deukmejian said that most of the windfall would go for schools and local government.

LOTTERY DIRECTOR CHOSEN

(May 11th): Governor George Deukmejian named Mark Michalko as director of the California Lottery. The 31-year-old Michalko, general counsel to the Ohio lottery, becomes the youngest lottery director in the country. His selection ends a months-long search that saw several candidates turn down the job. Interim director Howard Varner returns to his position as chair of the Lottery Commission.

PUBLIC EMPLOYEES CAN STRIKE

(May 13th): The state Supreme Court did away with 25 years of case law by ruling that public employees in California have the right to strike. The 6-1 decision came in a dispute over a 1976 sanitation workers' strike in Los Angeles County. In the lead opinion, Justice Allen Broussard stopped short of declaring that the right to strike is guaranteed by the state constitution and said that the ruling did not necessarily apply to firemen and police. Justice Malcolm Lucas, the lone Deukmejian appointee, dissented.

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ROLL CALL

ASSEMBLY

STATE EMPLOYEES

AB 319 (Elder). Revises state employee-employer relations law to provide for mandatory fact-finding between the state and its employees when a collective-bargaining impasse is reached. Supporters say pertinent collective-bargaining laws already have these provisions. Opponents contend fact-finding can lead to more costly settlements than would otherwise be reached. Passed May 6th, 46-30.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Eaves, Elder, Farr, Floyd, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, McAlister, Moore, O'Connell, Papan, Peace, Robinson, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, Norman Waters.

REPUBLICANS FOR: La Follette, McClintock.

DEMOCRATS AGAINST: None.

REPUBLICANS AGAINST: Allen, Bader, Baker, Bradley, Dennis Brown, Felando, Ferguson, Filante, Frazee, Frizzelle, Grisham, Herger, Hill, Johnson, Jones, Kelley, Konnyu, Lancaster, Leonard, Lewis, Mojonnier, Mountjoy, Naylor, Rogers, Seastrand, Sebastiani, Statham, Stirling, Wright, Wyman.

(All other members either absent or not voting)

RAPE

AB 1770 (Moore). Expands the statutory-rape law to include males as victims and lowers the age limit for prosecuting statutory rape from 18 to 16. Proponents contend that over 30 states now have gender-neutral statutory-rape laws and that lowering the age from 18 to 16 makes this law consistent with child-pornography laws. Opponents do not agree with making rape law gender-neutral or with lowering age limit. Failed May 6th, 32-34.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bates, Willie Brown, Calderon, Campbell, Condit, Cortese, Costa, Davis, Eaves, Farr, Floyd, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Killea, Klehs, Margolin, Moore, O'Connell, Peace, Robinson, Tanner, Tucker, Vasconcellos.

REPUBLICANS FOR: Stirling.

DEMOCRATS AGAINST: Bane, Chacon, Clute, Connelly, Duffy, Elder, Katz, McAlister, Norman Waters.

REPUBLICANS AGAINST: Allen, Baker, Bradley, Felando, Ferguson, Filante, Frazee, Frizzelle, Grisham, Herger, Hill, Jones, Kelley, Konnyu, La Follette, Lancaster, Leonard, Mojonnier, Mountjoy, Rogers, Seastrand, Sebastiani, Statham, Wright, Wyman.

(All other members either absent or not voting)

RADIOACTIVE WASTE

SB 106 (Alquist). Enacts and ratifies the Western Low-Level Radioactive Waste Disposal Compact with Arizona to regulate the disposal of radioactive waste. Supporters contend that without ratification, federal law requires California to accept radioactive waste for disposal regardless of the state of origin. Opponents say the compact will take precedence over state law and lacks clarity on liability for mishaps. Passed April 29th, 51-25.

DEMOCRATS FOR: Agnos, Alatorre, Areias, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Eaves, Elder, Farr, Floyd, Hannigan, Harris, Hauser, Hayden, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, McAlister, Molina, Moore, O'Connell, Papan, Peace, Robinson, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, Maxine Waters, Norman Waters.

REPUBLICANS FOR: Filante, Grisham, Hill, Kelley, Sebastiani, Statham.

DEMOCRATS AGAINST: None.

REPUBLICANS AGAINST: Allen, Bader, Baker, Bradley, Dennis Brown, Felando, Ferguson, Frazee, Herger, Johnson, Jones, Konnyu, La Follette, Lancaster, Leonard, Lewis, McClintock, Mojonnier, Mountjoy, Nolan, Rogers, Seastrand, Stirling, Wright, Wyman.

(All other members either absent or not voting)

RADIO HEADSETS

AB 522 (O'Connell). Prohibits bicyclists from wearing radio headsets or earplugs while operating a bicycle on streets, roads and highways. Sponsors argue that bicyclists wearing headsets are a danger to themselves and to others because they cannot hear car horns, sirens or other sounds. Critics do not agree with subjecting bicycle riders to the same requirements and penalties that apply to drivers. Passed April 29th, 57-18.

DEMOCRATS FOR: Alatorre, Areias, Bane, Bates, Bronzan, Willie Brown, Calderon, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Duffy, Eaves, Elder, Farr, Floyd, Hannigan, Harris, Hauser, Hayden, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, McAlister, Molina, Moore, O'Connell, Papan, Peace, Robinson, Roos, Sher, Tanner, Tucker, Maxine Waters, Norman Waters.

REPUBLICANS FOR: Allen, Bader, Ferguson, Filante, Frazee, Frizzelle, Johnson, Lancaster, Leonard, McClintock, Mojonnier, Seastrand, Statham, Stirling.

DEMOCRATS AGAINST: None.

REPUBLICANS AGAINST: Baker, Dennis Brown, Felando, Grisham, Herger, Hill, Jones, Kelley, Konnyu, La Follette, Lewis, Mountjoy, Naylor, Nolan, Rogers, Sebastiani, Wright, Wyman.

(All other members either absent or not voting)

SEATBELTS

AB 27 (Willie Brown). Requires mandatory seatbelts in all private passenger vehicles after April 1, 1989, and requires vehicles sold after September 1, 1989, to be equipped with automatic passenger restraints such as airbags. Proponents say that federal law requires cars to be equipped with automatic restraints unless a sufficient number of states enact mandatory seatbelt laws. Some opponents do not agree that seatbelts save lives, while other opponents are against airbags. Passed April 15th, 46-29.

DEMOCRATS FOR: Agnos, Alatorre, Bane, Bates, Bronzan, Willie Brown, Campbell, Chacon, Clute, Condit, Connelly, Cortese, Costa, Davis, Duffy, Eaves, Elder, Farr, Hannigan, Harris, Hauser, Hayden, Hughes, Isenberg, Johnston, Katz, Killea, Klehs, Margolin, Molina, Moore, O'Connell, Papan, Peace, Roos, Sher, Tanner, Tucker, Vasconcellos, Vicencia, Maxine Waters, Norman Waters.

REPUBLICANS FOR: Bader, Konnyu, Sebastiani, Statham.

DEMOCRATS AGAINST: McAlister, Robinson.

REPUBLICANS AGAINST: Baker, Bradley, Dennis Brown, Felando, Ferguson, Filante, Frazee, Frizzelle, Grisham, Herger, Hill, Johnson, Jones, Kelley, La Follette, Lancaster, Leonard, Lewis, McClintock, Mountjoy, Naylor, Nolan, Rogers, Seastrand, Stirling, Wright, Wyman.

(All other members either absent or not voting)

SENATE

WIRETAPS

SB 159 (Presley). Authorizes wiretapping by law enforcement officers under specified circumstances and would make evidence gathered by electronic eavesdropping admissible if authorized by a federal court. Author contends bill contains sufficient safeguards against abuses by law enforcement. Opponents disagree. Passed May 9th, 27-6.

DEMOCRATS FOR: Alquist, Ayala, Carpenter, Deddeh, Dills, Garamendi, Lockyer, Mello, McCorquodale, Montoya, Presley, Robbins, Stiern.

REPUBLICANS FOR: Bergeson, Beverly, Campbell, Craven, Davis, Doolittle, Ellis, Maddy, Morgan, Nielsen, Richardson, Royce, Russell, Seymour.

DEMOCRATS AGAINST: Hart, Keene, Petris, Roberti, Rosenthal.

REPUBLICANS AGAINST: Marks.

(All other members either absent or not voting)

FIREARM SAFETY

SB 1130 (Richardson). Authorizes public schools to offer instruction in firearm safety, including the use of firearms in hunting. Proponents argue that firearm-safety instruction is needed to help reduce accidental shootings among juveniles. Critics say such courses have no place in a school curriculum and might prove dangerous if offered on a school campus. Passed May 9th, 22-6.

DEMOCRATS FOR: Boatwright, Carpenter, Deddeh, Dills, Lockyer, McCorquodale, Mello, Presley, Robbins.

REPUBLICANS FOR: Bergeson, Beverly, Campbell, Craven,

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Davis, Doolittle, Ellis, Maddy, Nielsen, Richardson, Royce, Russell, Seymour.
DEMOCRATS AGAINST: Alquist, Ayala, Hart, Roberti, Rosenthal, Stiern.
REPUBLICANS AGAINST: None.
(All other members either absent or not voting)

ABSENTEE BALLOTS

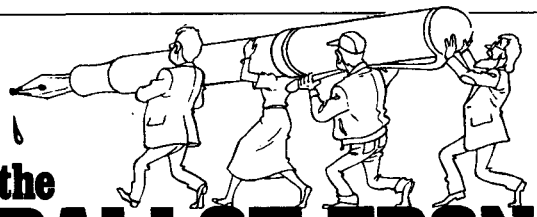
SB 119 (Leroy Greene). Permits voters to return an absentee-voter ballot by mail, in person or by agent to an election official. Sponsors say bill will make it easier for absent voters to cast ballots. Opponents content bill will lead to abuses and aid Democratic voters. Failed April 25th, 17-18.

DEMOCRATS FOR: Alquist, Boatwright, Carpenter, Dills, Garamendi, Bill Greene, Leroy Greene, Keene, Lockyer, McCorquodale, Mello, Petris, Robbins, Roberti, Rosenthal, Torres, Watson.
REPUBLICANS FOR: None.
DEMOCRATS AGAINST: Ayala, Deddeh, Foran, Hart, Presley, Stiern, Vuich.
REPUBLICANS AGAINST: Bergeson, Beverly, Davis, Doolittle, Ellis, Marks, Morgan, Nielsen, Royce, Russell, Seymour.
(All other members either absent or not voting)

SEATBELTS

SB 50 (Foran). Requires mandatory seatbelts in all private passenger vehicles and requires automakers to offer airbags as an option on vehicles sold in California. Failed April 18th, 19-18.

DEMOCRATS FOR: Alquist, Boatwright, Deddeh, Dills, Foran, Garamendi, Leroy Greene, Keene, McCorquodale, Mello, Robbins, Roberti, Vuich, Watson.
REPUBLICANS FOR: Bergeson, Beverly, Craven, Maddy, Morgan.
DEMOCRATS AGAINST: Ayala, Carpenter, Hart, Lockyer, Petris, Presley, Rosenthal, Stiern.
REPUBLICANS AGAINST: Campbell, Davis, Doolittle, Ellis, Marks, Nielsen, Richardson, Royce, Russell, Seymour.
(All other members either absent or not voting)



the BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 393,835 valid signatures; constitutional amendments require 630,136. The date in parentheses is the deadline for sponsors to submit signatures to county clerks.

DENTURIST LICENSURE ACT — an initiative statute, sponsored by Darryl L. Allison of Alhambra, that would establish a Denturists Examining Board to regulate non-dentists who fit people with false teeth. The Board would have the power to issue and revoke licenses, prescribe continuing-education requirements and adopt rules of professional conduct. This is the first initiative to circulate in seven months, the longest period of inactivity in more than 20 years. (September 30th)

MOTOR VEHICLE INSURANCE — an initiative constitutional amendment, sponsored by Manuel D. Talley of Los Angeles, that would set up a state-run motor vehicle insurance program. Standards for insurability, rates, policies and procedures would be established by a publicly-elected Director of State Motor Vehicle Insurance. The system, once established, would be supported by premiums and not by tax dollars. (September 30th)

Source: Secretary of State March Fong Eu.

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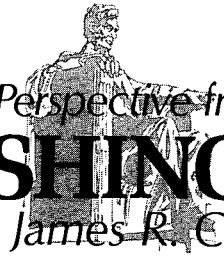

Perspective from
WASHINGTON
By James R. Carroll

California's defense industry

At one point in the film "Swing Shift," the workers in a fictional California aircraft factory during World War II gather outside to watch the fighter planes they have created. They all cheer as the aircraft fly low overhead, then zoom off into the bright sunshine. The war was a good time for American patriotism. But perhaps more important, World War II also marked the birth of a defense industry in California that, decades later, has evolved as one of the driving forces of the state's economy.

The war's legacy — the emergence of the United States as a superpower and the political, ideological and military struggle with the Soviet Union for the hearts and minds of the rest of the world — has been a boon to California. America has continued as the arsenal of democracy, and California has become the arsenal of America.

California's defense workers today still stop occasionally to cheer their creations. It may be the roll-out of a new B-1 bomber at Rockwell International's Lancaster plant or a new Navy frigate sliding down the ways at Todd Pacific Shipyards in San Pedro. Even so, the awesome economic reach of the state's military-industrial complex may seem hard to grasp for most of us.

A recent Defense Department survey of prime military contracts and defense payrolls offers some eye-opening help. According to the study, California's stake in defense rose to almost $40 billion in fiscal 1984. That is about one-fifth of the entire American defense budget. No other state comes close. Texas, for example, is a distant second at $14.2 billion, followed by Virginia at $12 billion, New York at $10.7 billion and Florida at $8.2 billion.

Los Angeles alone accounts for $6.4 billion in defense spending, making it the nation's top location for military dollars. San Diego is third at $3.9 billion (but ranks first in total Defense Department civilian and military personnel in one place: more than 47,000 people). And little Sunnyvale is fifth in defense spending at $2.9 billion — more than 29 other states.

Name a weapon and at least part, if not all, of it is made in California. The Cruise missile comes out of General Dynamics in San Diego. The Bradley fighting vehicle, an armored troop-transport, is produced by FMC Corporation in San Jose. The battleship *USS New Jersey* was overhauled and recommissioned for service (and her sister ship, the *USS Missouri*, soon will be) at the Long Beach Naval Shipyard.

The controversial MX missile? It means billions of dollars in research and development and production contracts for California, as well as thousands of jobs. The important parts of the MX's Stage II are assembled at Aerojet Strategic Propulsion Company in Sacramento. The parts for Stage IV come together at Rockwell's Rocketdyne Division in Canoga Park. Other California MX elements come from Northrop's Electronics Division in Hawthorne, Rockwell's Autonetics Strategic Systems Division in Anaheim and Westinghouse Electric's Marine Division in Sunnyvale.

Does all this concentration of defense muscle influence the people who help shape and pass the Pentagon's budget — California's congressional delegation? Yes and no.

Republican Senator Pete Wilson, recognizing the importance of California's defense industry, secured a seat on the Senate Armed Services Committee as soon as he got to Washington a couple of years ago. He was the first Californian on the panel in 12 years and used his influence on the committee to insert an additional frigate into the 1985 budget to help Todd in San Pedro, even though the Navy didn't ask for the ship.

On the other hand, Wilson has also been trying to slow research and development on the new "Midgetman" missile, arguing that it is not well thought out. Most of the research on the weapon is being conducted in California. And when it came to a vote on more money for more MXs earlier this year, all but two of California's House Democrats were against it, even though many had major MX contractors in their districts.

Some things transcend parochial interests, suggests Democratic Congressman Robert Matsui of Sacramento, one of the Democrats who voted against the MX money (which was narrowly approved). "This issue is a national issue rather than a district issue," he says.

Even if the MX survives the continuing debates over guns and butter, all is not rosy in the California defense industry.

Shipbuilding is in particular trouble. Navy Secretary John Lehman has warned West Coast shipyards that they may not remain competitive for new ships if they cannot get a better handle on costs. At Todd in San Pedro, there have been wage concessions by the unions and other cost-cutting measures, but they were not enough to help the shipyard in a recent competition for a new class of destroyer. The work went to Bath Iron Works in Maine.

Todd's loss and the resultant, negative impact on San Pedro highlight a growing concern among local officials and state lawmakers that too many California communities are becoming "defense junkies," so closely linked with the Pentagon's budget that future cut-backs in defense spending could cause serious economic distress throughout the state.

The difference between that distress and an economic boom often hinges on contracts for one new weapon. Such is the battle now shaping up in Washington over a California-built plane, the F-20 Tigershark fighter, built by Northrop's Aircraft Division in Hawthorne. Originally intended as a fighter only for export to U.S. allies, the F-20 has found no buyers because foreign air forces don't want something the U.S. Air Force isn't using. So now Northrop is trying to convince the Congress and the Pentagon that its widely-praised, and considerably cheaper fighter is the answer to tight military budgets. Wilson and Congressman Robert Badham of Newport Beach are carrying the flag for Northrop. If the deal is struck — and there are many hoops to be jumped through first — it will be a major coup for Southern California. The F-20 could generate tens of thousands of more jobs and billions of more dollars for the region. And who knows? Maybe the workers will gather outside the hangars and cheer their Tigersharks.

Leo Rennert is on assignment in Europe.

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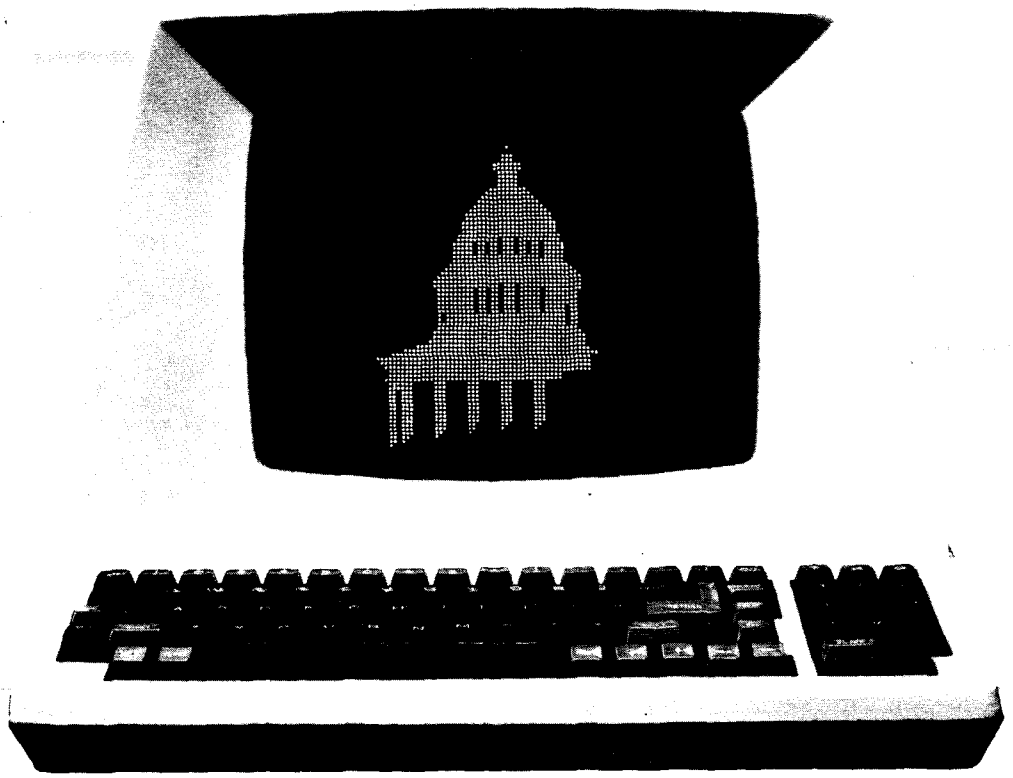

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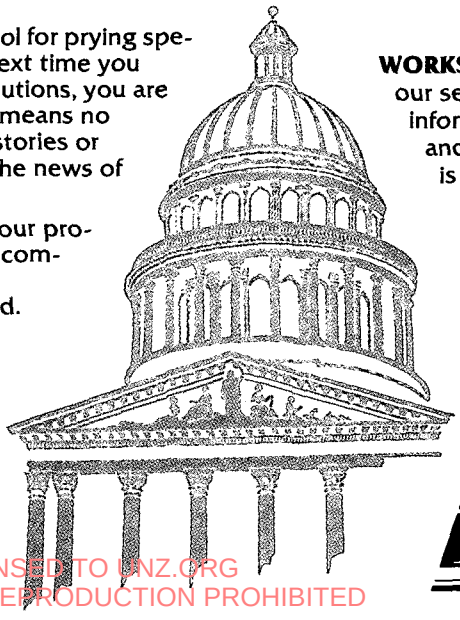

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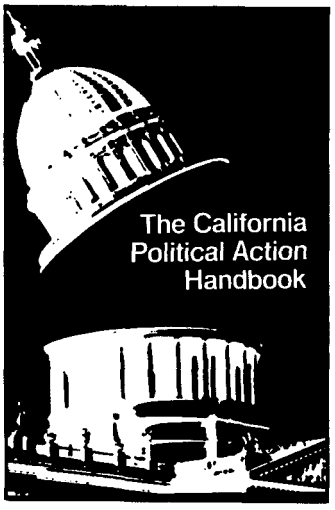

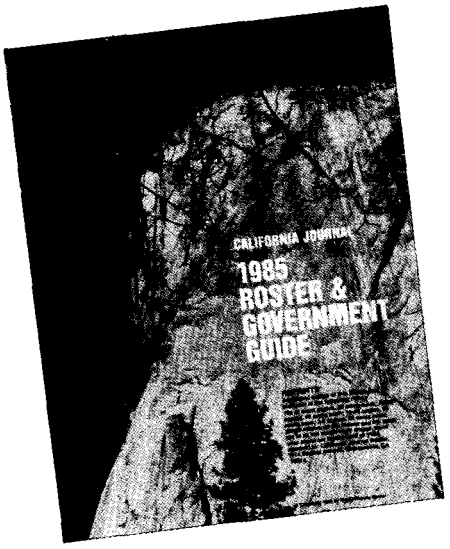

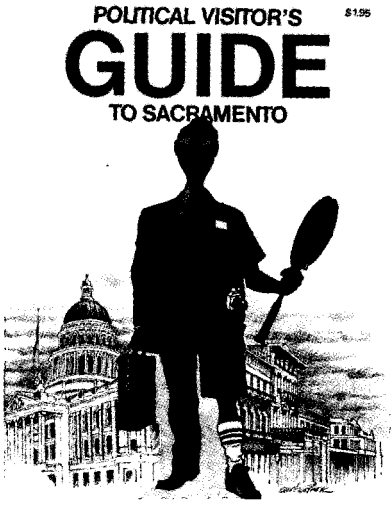

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